

RESISTING INDONESIA'S CULTURE OF IMPUNITY

ACEH'S TRUTH AND RECONCILIATION
COMMISSION

EDITED BY JESS MELVIN,
SRI LESTARI WAHYUNINGROEM
AND ANNIE POHLMAN



ASIAN STUDIES SERIES
MONOGRAPH 18



THE UNIVERSITY OF
SYDNEY

RESISTING INDONESIA'S CULTURE OF IMPUNITY

ACEH'S TRUTH AND RECONCILIATION
COMMISSION

EDITED BY JESS MELVIN,
SRI LESTARI WAHYUNINGROEM
AND ANNIE POHLMAN



Australian
National
University

ANU PRESS

ASIAN STUDIES SERIES MONOGRAPH 18



Australian
National
University

ANU PRESS

Published by ANU Press
The Australian National University
Canberra ACT 2600, Australia
Email: anupress@anu.edu.au

Available to download for free at press.anu.edu.au

ISBN (print): 9781760465834

ISBN (online): 9781760465841

WorldCat (print): 1393073675

WorldCat (online): 1393059420

DOI: 10.22459/RICI.2023

This title is published under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International (CC BY-NC-ND 4.0) licence.



The full licence terms are available at
creativecommons.org/licenses/by-nc-nd/4.0/legalcode

Cover design and layout by ANU Press. Cover photograph: [Tirto.id/Restu Diana Putri](https://www.tirto.id/),
Rumah Geudong, Pidie, Aceh, Thursday 12/7/2018.

This book is published under the aegis of the Asian Studies editorial board of ANU Press.

This edition © 2023 ANU Press

Contents

Acknowledgements	vii
Preface	ix
Notes on contributors	xiii
Terms and abbreviations	xvii
List of illustrations	xxiii
1. The search for truth and justice in Aceh	1
Jess Melvin, Sri Lestari Wahyuningroem and Annie Pohlman	
2. The KKR Aceh and transitional justice in Aceh	33
Jess Melvin, Indria Fernida, Sri Lestari Wahyuningroem and Annie Pohlman	
3. The role of civil society in pushing for truth and repair in Aceh	63
Evi Narti Zain and Galuh Wandita	
4. Transitional justice and political settlement: GAM and the KKR Aceh	87
Lia Kent and Rizki Amalia Affiat	
5. Collecting statements and the public 'hearing testimony' forums	109
Atikah Nuraini, Dodi Yuniar, Fitriani and Oni Imelva	
6. The KKR Aceh's mapping of torture practices	139
Muhamad Daud Berueh, Faisal Hadi and Annie Pohlman	
7. The KKR Aceh's documentation of OTK attacks in Bener Meriah, 1999–2002	169
Jess Melvin and Azhari Aiyub	
8. Memorialisation in the absence of justice in Aceh	197
Sri Lestari Wahyuningroem and Hendra Saputra	
Epilogue: leveraging from the local	221
John Braithwaite	
Select bibliography	233

Acknowledgements

This volume began with collaborative work between civil society activists, some of whom work at the Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh, Aceh Truth and Reconciliation Commission), and a number of academics. Most of these people have contributed chapters to this book. We begin by gratefully acknowledging the commissioners and staff of the KKR Aceh who have supported and collaborated in this work, and who have generously given of their time and resources. Much of the collaborative work for this volume was funded by a Sydney Southeast Asia Centre (SSEAC) Workshop Grant, which supported a meeting of contributors at the University of Sydney, held from 24 to 26 July 2019. We likewise thank Asia Justice and Rights (AJAR), which also provided support for contributors to attend this workshop. An earlier workshop, held in Banda Aceh in April 2019, was supported and run by KontraS Aceh (Commission for the Disappeared and Victims of Violence in Aceh).

As editors, we also wish to thank our institutions for the financial and in-kind support that allowed us to undertake this collaborative project. Jess Melvin wishes to thank the School of Humanities at the University of Sydney, Sri Lestari Wahyuningroem thanks Universitas Pembangunan Nasional Veteran Jakarta and Annie Pohlman thanks the School of Languages and Cultures at the University of Queensland. Jess Melvin and Annie Pohlman acknowledge the support of the Australian Research Council, from whom both authors received funding for their Discovery Early Career Researcher Awards, which enabled their work on this project. Specifically, the funding was for 'Islamist Militias, the Military and Indonesia's Authoritarian Turn' (DE200101799, Melvin) and 'How Does Torture Become Normal? Indonesia's New Order Regime, 1965–1998' (DE170100619, Pohlman). We also wish to thank ANU Press and Professor Craig J. Reynolds, and their team, for their support of the project. We are indebted to the two anonymous reviewers,

whose advice and suggestions have strengthened the volume, as well as the marvellous Jen Plaistowe for her excellent translation assistance. We also thank Glenine Hamlyn for her exemplary editorial work.

Lastly, we wish to dedicate this work to the thousands of survivors and witnesses of the conflict in Aceh who provided testimony to the KKR Aceh. Their courage to tell their stories in the face of the perpetrators' ongoing impunity for the atrocities they committed forms the basis of the hope that truth, justice and reconciliation will be achieved.

Preface

The photograph on the front cover of this volume was taken in 2018, at the official opening of the Rumoh Geudong monument in Pidie, northern Aceh. In that photograph, four children sit on a set of concrete stairs that lead to nowhere; these stairs, along with some concrete slabs and crumbling walls, were all that was left of the traditional Acehnese house that had been commandeered and used by Indonesia's Army special forces as an interrogation and torture centre between 1990 and 1998. In August 1998, just minutes after a visit by a human rights fact-finding team, the house was firebombed by unknown actors, erasing evidence of the crimes perpetrated there.

Rumoh Geudong's infamy as a site of Indonesian military terror in Aceh, however, meant it became a focus for survivor and community-led efforts to memorialise the violence experienced by Acehnese civilians during the 30-year conflict. As Sri Lestari Wahyuningroem and Hendra Saputra detail in their chapter, local survivor groups, together with a range of human rights and non-government organisations, worked over years to establish a monument to the victims on the outskirts of the property in July 2018.

On 20 June 2023, most remnants of Rumoh Geudong and the monument were bulldozed by the local district government, supposedly to make way for a 'living park' or perhaps a *pesantren* (Islamic boarding school) to be built on the land. On 27 June, Indonesia's president, Joko Widodo, came to the site to launch his program to implement the recommendations of a team he established in January 2023 to find 'non-judicial resolutions to past human rights violations' in Indonesia.

The fate of the Rumoh Geudong site seems to reflect the terrible ironies of transitional justice in Indonesia. The house that had once stood there was burned down in a deliberate attempt to bury past crimes, but those who committed the arson attack really need not have bothered; Rumoh

Geudong is just one of many hundreds of sites across Aceh where state-led atrocities were perpetrated. Most have never been investigated and, in the rare cases that have, not one person has been called – let alone been held – to account for his crimes.

The memorial, despite its significance to Aceh's survivor community, was bulldozed so that a stage could be hastily constructed for a politician to stand on for a few minutes to announce a poorly-funded, non-transparent package of compensation measures that will, in all likelihood, reach very few survivors.

These 'non-judicial resolution' measures announced by Joko Widodo are, sadly, just the latest proof of how meaningless the promises have been by successive Indonesian administrations since the end of the military regime in 1998 to deal with past human rights abuses. These latest measures have nothing to do with dealing with the past in any meaningful sense; they offer very little truth, certainly no justice, and only meagre scraps of compensation to very few of Indonesia's many victims.

At best, they are an outgoing President's last-ditch attempt to make good on his word that he would investigate these crimes and, at worst, they are a deliberate move to bury any further efforts for truth-telling and justice. Certainly, these latest measures will do nothing to redress Indonesia's entrenched culture of impunity.

And yet, despite the destruction of the Rumoh Geudong, we have no doubt that Aceh's survivor communities, and the human rights groups who have worked with them toward restitution for more than two decades now, will rebuild their memorial.

It is this endurance of survivors and human rights groups in Aceh that this volume seeks to honour. As the contributors to this volume attest, it was the steadfast determination of survivors and the lobbying over more than a decade by human rights campaigners that brought about Aceh's Truth and Reconciliation Commission, the first state institution and only body of its kind in Indonesia to date. In the years since the Commission's establishment, despite seemingly insurmountable challenges, these survivors and human rights groups have remained and continue their work.

As we highlight in this volume, it has been through their commitment and labour that the first genuine attempts to investigate past wrongs and to commemorate Aceh's many victims of human rights abuses have been made. Thus, even in Indonesia's seemingly impenetrable culture of impunity for abuses, and the Indonesian government's apparent determination to dig a hole and bury the past, survivors and their advocates find ways to endure and to work, slowly but surely, towards truth and justice.

Jess Melvin, Sri Lestari Wahyuningroem and Annie Pohlman, August 2023

Notes on contributors

Rizki Amalia Affiat worked in Aceh for 10 years as an activist at LINA (Aceh Women's League) and a researcher at the International Centre for Aceh and Indian Ocean Studies. She attained her master of science degree from the School of Oriental and Asian Studies, University of London, in the area of violence, conflict and development. Rizki Amalia Affiat is co-founder of Intersectional Gender Research Advocacy and Learning (InteGRAL), based in Indonesia and India, which deals with issues of gender, peacebuilding and international development.

Azhari Aiyub was born in Banda Aceh. His first book of short stories, *Perempuan Pala* (Nutmeg Woman), was published in 2004. In 2005, Azhari received the Free Word Award from Poets of All Nations, the Netherlands. His new novel is *Kura-kura Berjanggut* (The Bearded Turtle), which won the prose category at the 2018 Kusala Sastra Khatulistiwa Literary Awards. He is the writing coordinator for the KKR Aceh's final report (2022).

Muhamad Daud Berueh was a commissioner in the Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh, Aceh Truth and Reconciliation Commission) during its inaugural term from 2016 to 2021. He was deputy secretary-general of the National Leadership Council of the Indonesian Advocates Association (DPN PERADI) from 2015 to 2020 and a member of the working group for KontraS (Commission for the Disappeared and Victims of Violence) from 2004 to 2014. In 2008 he was awarded a bachelor of laws degree cum laude by the Universitas Bung Karno.

John Braithwaite is a professor emeritus and founder of RegNet (the School of Regulation and Governance) at The Australian National University. Since 2004, he has led a project called Peacebuilding Compared, which has produced several books on peacebuilding in Asia and the Pacific that have been published by ANU Press. His publications can be downloaded from johnbraithwaite.com.

Indria Fernida is a regional program coordinator at Asia Justice and Rights (AJAR), based in Jakarta. She attained her master of philosophy in the theory and practice of human rights from the University of Oslo in 2014. Indria Fernida completed a fellowship in peace studies and conflict resolution at the University of Bradford in 2008 and a bachelor of laws degree at Universitas Katolik Parahyangan in 1998.

Fitriani was a member of the statement-taking team of the KKR Aceh during its inaugural term from 2016 to 2021. Before working for the KKR Aceh, she worked in the national office of Solidaritas Perempuan (Women's Solidarity in Human Rights) in Jakarta. She is currently chairperson of the advisory board of Solidaritas Bungoeng Jeumpa Aceh and a board member of Flower Aceh.

Faisal Hadi is program manager for KontraS Aceh (Commission for the Disappeared and Victims of Violence in Aceh). He worked with many groups during the Aceh peace and transition process between 2000 and 2016. In 2009, he was executive director of Koalisi NGO HAM Aceh (Coalition of NGOs for Human Rights in Aceh). Faisal obtained his bachelor's degree in chemical engineering from Syiah Kuala University, Banda Aceh. He was a member of the independent selection committee for the commissioners of the KKR Aceh.

Oni Imelva was a member of the documentation and publication taskforce of the KKR Aceh from 2017 to 2021. After the 2004 tsunami disaster, she worked until 2009 for the Aceh and Nias Rehabilitation and Reconstruction Agency in Banda Aceh. She graduated from the electrical engineering faculty, Syiah Kuala University, in 2006. Oni Imelva was also involved in a sponsorship program for children's rights with Good Neighbors Indonesia (2012–16) in Surabaya. In December 2021, she was elected by the Aceh parliament to be a commissioner of the KKR Aceh from 2021 to 2026.

Lia Kent is a senior fellow in the School of Regulation and Global Governance at The Australian National University. With a geographic focus on Asia, her research interests include transitional justice, reconciliation, peacebuilding, memory politics, and the politics of the dead. She is the author of *The Dynamics of Transitional Justice: International Models and Local Realities in East Timor* (Routledge, 2012) and co-editor (with Rui Feijo) of *The Dead as Ancestors, Martyrs and Heroes in Timor-Leste* (AUP, 2020).

Jess Melvin is a Discovery Early Career Research Award (DECRA) fellow in the School of Humanities at the University of Sydney. She is author of *The Army and the Indonesian Genocide: Mechanics of Mass Murder* (2018). Jess Melvin was previously a postdoctoral fellow in genocide studies and Henry Hart Rice faculty fellow in Southeast Asian studies at Yale University. Her research interests include human rights, political violence and Acehnese history.

Atikah Nuraini, an Indonesian human rights educator, is a part-time senior trainer and researcher at AJAR and co-founder of Data and Technology for Humanity (DATUM Indonesia). She is an editor of a range of training manuals on human rights, gender, legal advocacy, conflict transformation and transitional justice. Her work also includes archives, databases, content management systems and e-learning solutions.

Annie Pohlman teaches Indonesian studies at the University of Queensland in Brisbane, Australia. She is author of *Women, Sexual Violence, and the Indonesian Killings of 1965–66* (2015) and co-editor of a range of volumes on mass atrocities, Southeast Asian history, and trauma and memory. Her research interests include Indonesian history, Southeast Asian politics, comparative genocide studies, torture, gendered experiences of violence and oral testimony.

Hendra Saputra is coordinator of KontraS Aceh. He was actively involved in the campaign to establish the KKR Aceh and is one of the coordinators of a civil society task force in Aceh called the Koalisi Keadilan dan Pengungkapan Kebenaran (KKPK, Coalition for Justice and the Disclosure of Truth). Hendra's experience in working with human rights groups (non-government organisations, NGOs) in Aceh began more than 15 years ago, when he was an undergraduate student. In 2007, Hendra Saputra worked as a community organiser for Lembaga Bantuan Hukum (Aceh Legal Aid) in Lhokseumawe.

Sri Lestari Wahyuningroem is a senior lecturer at Universitas Pembangunan Nasional Veteran Jakarta, Indonesia. She holds a PhD from The Australian National University and began research on Aceh in 1998, examining military violence against women. Since then, she has undertaken research in Aceh for the United Nations Population Fund, the United Nations Fund for Women, the International Center for Transitional Justice (ICTJ) and AJAR. Sri Lestari Wahyuningroem is author of *Transitional Justice from State to Civil Society: Democratization in Indonesia* (2019).

Galuh Wandita began working and writing about gender, and peace and conflict issues, in the 1990s. She was deputy director of Timor-Leste's Commission for Reception, Truth and Reconciliation (Comissão de Acolhimento, Verdade e Reconciliação de Timor-Leste, CAVR, 2002–05). In 2006, she joined the ICTJ as senior associate. Galuh Wandita co-founded AJAR in 2012. She holds a master's degree in international human rights law from Oxford University (2006). In 1988, Galuh Wandita completed a bachelor of arts in sociology and anthropology at Swarthmore College, Pennsylvania, United States.

Dodi Yuniar has been program coordinator (Indonesia) at AJAR since 2014, having been communications and media coordinator there from 2012. He attained his bachelor's degree in social welfare from the Universitas Padjadjaran (Unpad), West Java, in 2000.

Evi Narti Zain was deputy head of the KKR Aceh during its inaugural term from 2016 to 2021. She works on human rights issues and has published *Fakta Bicara* (Facts Talk), which examines a range of human rights violations that took place in Aceh between 1989 and 2005, when she was the director of the Koalisi NGO HAM Aceh. Evi Narti Zain was the coordinator of KontraS Aceh during the period of the 'military emergency', and has worked with international NGOs and donor agencies, as well as contributing to the drafting of the KKR Aceh legislation.

Terms and abbreviations

<i>adat</i>	local customs and laws
AGO	Attorney-General's Office (of the Republic of Indonesia)
AJAR	Asia Justice and Rights
AMM	Aceh Monitoring Mission
ANU	The Australian National University
Babinsa	non-commissioned military officers stationed in every village
BRA	Badan Reintegrasi Aceh (Aceh Reintegration Agency)
Brimob	Korps Brigade Mobil (Mobile Brigade Corps), a special operations, paramilitary and tactical unit of the Indonesian National Police
CAVR	Comissão de Acolhimento, Verdade e Reconciliação de Timor-Leste (Commission for Reception, Truth and Reconciliation in Timor-Leste)
CMI	Crisis Management Initiative, the Finland-based non-government organisation (NGO) that facilitated the 2005 Helsinki Memorandum of Understanding (also known as the Helsinki Peace Agreement)
CoHA	Cessation of Hostilities Framework Agreement
CONADEP	Comisión Nacional sobre la Desaparición de Personas (National Commission on the Disappearance of Persons in Argentina)
COVID	COVID-19

CSO	civil society organisation
<i>cuak</i> (Acehnese)	spy, informer
CVR	Comisión de la Verdad y Reconciliación (Peru's Truth and Reconciliation Commission, which investigated abuses committed between 1980 and 2000)
DATUM Indonesia	Data and Technology for Humanity, Indonesia
DAU	Dana Alokasi Umum (block grant from the Indonesian government for the provinces)
Densus 88	Detasemen Khusus 88 (Special Detachment 88) of the Indonesian National Police
<i>diyat</i>	traditional model of compensation under Islamic law
DM/DS	Darurat Militer/Darurat Sipil (two-year Military Emergency/Civilian Emergency period that began when martial law was declared in May 2003)
DOM	Daerah Operasi Militer (Military Operations Zone); also refers to the periods of heightened military operations between 1989 and 1998.
DPR	Dewan Perwakilan Rakyat (People's Representative Council)
DPRA	Dewan Perwakilan Rakyat Aceh (People's Representative Council of Aceh)
DPRK	Dewan Perwakilan Rakyat Kabupaten/Kota (People's District/City Representative Council)
ECCC	Extraordinary Chambers in the Courts of Cambodia (the hybrid Cambodian – United Nations trials of former Democratic Kampuchea regime leaders)
Fokupers	Forum Komunikasaun ba Feto Timor Loro Sa'e (Communication Forum for Timorese Women)
FPDRA	Front Perlawanan Demokratik Rakyat Aceh (Acehnese People's Democratic Resistance Front)
GAM	Gerakan Aceh Merdeka (Free Aceh Movement)
Gerindra	Partai Gerakan Indonesia Raya (Great Indonesia Movement Party, Prabowo's national party)

<i>geuchik</i> (Acehnese)	village head
GPK	Gerakan Pengacau Keamanan (Security Disruptors' Movement)
<i>hak asasi manusia</i>	human rights
HDC	Centre for Humanitarian Dialogue (formerly Henri Dunant Centre)
Helsinki MoU	Helsinki Memorandum of Understanding / Helsinki Peace Agreement
HURIDOCS	Human Rights Information and Documentation Systems
ICTJ	International Center for Transitional Justice
K2HAU	Komunitas Korban Pelanggaran HAM Aceh Utara (North Aceh Human Rights Victims Community)
<i>kabupaten</i>	regency/district
KDP	Kecamatan Development Program
<i>kecamatan</i>	subdistrict
KKPK	Koalisi Keadilan dan Pengungkapan Kebenaran (Coalition for Justice and the Disclosure of Truth) [national]
KKR Aceh	Komisi Kebenaran dan Rekonsiliasi Aceh (Aceh Truth and Reconciliation Commission)
Koalisi NGO HAM Aceh	Coalition of NGOs for Human Rights in Aceh
Kodam	Komando Daerah Militer (Regional Military Command, the provincial-level territorial command of the Indonesian Armed Forces)
Kodim	Komando Distrik Militer (District Military Command, the district or city-level [<i>kabupaten</i> or <i>kota</i>] territorial command of the Indonesian Armed Forces)
Komnas HAM	Komisi Nasional Hak Asasi Manusia (Indonesia's National Human Rights Commission)
Komnas Perempuan	Komisi Nasional Anti Kekerasan Terhadap Perempuan (National [Indonesian] Commission on Violence against Women)

KontraS	Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (Commission for the Disappeared and Victims of Violence); also KontraS Aceh (Aceh branch)
Kopassus	Komando Pasukan Khusus (special forces command of the Indonesian Armed Forces)
Koramil	Komando Rayon Militer (subdistrict [<i>kecamatan</i>]-level command of the Indonesian Armed Forces)
Korem	Komando Resort Militer (Military Area Command, the regional or municipality-level territorial command of the Indonesian Armed Forces)
KPK Aceh	Koalisi Pengungkapan Kebenaran Aceh (Coalition for Truth-Telling in Aceh)
LBH-APIK	Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan (Legal Aid Institute of the Indonesian Women's Association for Justice)
LBH Banda Aceh	Lembaga Bantuan Hukum Banda Aceh (Banda Aceh Legal Aid Institute)
LoGA	Law for the Governing of Aceh, Law 11/2006
LPSK	Lembaga Perlindungan Saksi dan Korban (Agency for the Protection of Witnesses and Victims)
MoU	memorandum of understanding
OHCHR	Office for the High Commissioner of Human Rights, United Nations
OTK	<i>orang tak dikenal</i> , unknown people
PA	Partai Aceh (Aceh Party)
PASKA Aceh	Pengembangan Aktivitas Sosial Ekonomi Masyarakat Aceh (Aceh Centre for Social and Economic Activity)
<i>pengadilan koneksitas</i>	civil-military trial
Petrus	<i>penembakan misterius</i> (mysterious shooting)
<i>peusijek</i> (Acehnese)	type of cleansing ceremony practised in Aceh that can be aimed at dispute resolution and promoting reconciliation

Polda	Kepolisian Daerah (Regional Police, the province-level police command)
Polres	Kepolisian Resor (Departmental Police, the regency or city-level [<i>kabupaten</i> or <i>kota</i>] police command)
Polsek	Kepolisian Sektor (Sectoral Police, the subdistrict [<i>kecamatan</i>]-level police command)
<i>Qanun</i>	regional by-law and Islamic legislation of Aceh
RPuK	Relawan Perempuan untuk Kemanusiaan (Women Volunteers for Humanity)
SATRC	South African Truth and Reconciliation Commission
Simpang KKA	Simpang Kertas Kraft Aceh (Aceh Kraft Paper [mill] Junction)
SIRA	Sentral Informasi Referendum Aceh (Aceh Referendum Information Centre)
SSEAC	Sydney Southeast Asia Centre
TRC	Truth and Reconciliation Commission (initialism used for South African TRC, Indonesian national TRC Law, and truth and reconciliation commissions in general)
<i>ulama</i>	Muslim religious leader
<i>uleebalang</i> (Acehnese)	traditional aristocratic elite in Aceh
UN	United Nations

List of illustrations

Figures

Figure 5.1. Simplified data model, based on the HURIDOCS data model	124
Figure 8.1. Rumoh Geudong memorial	210
Figure 8.2. Simpang KKA memorial statue	213
Figure 8.3. Cot Keng plaque installed by the KKR Aceh	217

Tables

Table 6.1. Locations of torture, by gender	158
Table 6.2. Types of torture, by gender	162

1

The search for truth and justice in Aceh

Jess Melvin, Sri Lestari Wahyuningroem
and Annie Pohlman

Digging up the past in Aceh

Two women and 12 men spoke at the first public ‘hearing testimony’ forum of the Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh, Aceh Truth and Reconciliation Commission) in late November 2018. The purpose of these forums is to hear directly from survivors of human rights violations in Aceh: about their experiences, the violations they suffered, the effects of this violence and their hopes for the future. The forums are organised thematically, and this first forum focused on torture. The 14 witnesses who were called came to the capital of Indonesia’s westernmost province, Banda Aceh, from five of Aceh’s districts, to give testimony in an open forum about the torture they had suffered and survived. Critically, these two days of the November 2018 hearing testimony forum constituted the first major public event of the KKR Aceh, but it was also the first of its kind in Indonesia. Coming nearly a decade and a half after the end of the war in Aceh in 2005, and two decades since the fall of the Indonesian military’s authoritarian ‘New Order’ regime (1966–98), this forum was the first testimonial public hearing conducted by a state institution in the country.

Over the two days, as each of the 14 survivors took to the stage in turn to speak about the torture and deeply degrading treatment they had experienced, many of those in attendance – the KKR Aceh’s commissioners

and staff, the survivors and their families, and the more than 200 members of the public invited to the event – felt the significance of the testimony being given. For those in the room, the personal stories of enduring pain and humiliation at the hands of Indonesia's security services were significant because they put individual human faces on the deeply dehumanising violence these men and women had survived. However, the significance of these personal stories was also felt in their resonance; each of the 14 gave testimony to their unique experience of atrocity, yet they were only 14 of thousands with similar experiences and stories of abuse in Aceh.

More than anything, however, the significance of that forum in November, and the testimonies of those 14 individuals, was that they happened at all. They happened in Indonesia, where, as we address below, impunity for mass atrocities is the norm, and the current political trajectory makes a renewed form of authoritarianism seem inevitable.¹ Moreover, they happened in Aceh, in the midst of a deeply flawed, 'predatory' peace that has seen the former combatants of the Free Aceh Movement (GAM, Gerakan Aceh Merdeka), who fought for 30 years for independence from the Indonesian state, sell out to those they had opposed so bitterly, for personal gain. The peace deal struck in 2005 between GAM and the Republic of Indonesia saw the former rebels barter secession for special autonomy. Although the peace deal did not give Aceh independence, it provided GAM with access to government funds and self-enrichment opportunities.² Indeed, the assimilation of GAM leaders into the government's patronage has bought Jakarta peace in the province, as well as a new, former-rebel elite that is more than willing to go along with the Indonesian government's integration of the province. Critically, the compliance of former GAM leaders includes their willingness to maintain the impunity of the Indonesian security services. What began as a peace deal that contained demands for truth, justice and reconciliation has given way to a pragmatic forgetting of past abuses for the sake of maintaining the lucrative patronage of Jakarta and Indonesia's military.

1 On growing authoritarianism in Indonesia, see Thomas P. Power, 'Jokowi's Authoritarian Turn and Indonesia's Democratic Decline,' *Bulletin of Indonesian Economic Studies* 54, no. 3 (2018): 307–38, doi.org/10.1080/00074918.2018.1549918.

2 Edward Aspinall, 'Special Autonomy, Predatory Peace and the Resolution of the Aceh Conflict,' in *Regional Dynamics in a Decentralised Indonesia*, ed. Hall Hill (Singapore: Institute of Southeast Asian Studies, 2014), 460–81, doi.org/10.1355/9789814519175-026.

The 2005 peace deal (the Helsinki Memorandum of Understanding [MoU] or the Helsinki Peace Agreement) and the follow-up Law 11/2006, the Law on the Governing of Aceh (the 'LoGA') that enacted Aceh's special autonomy,³ each contained specific clauses that would enable the investigation and redress of the numerous human rights violations committed during the conflict. Among such clauses were Clause 2.2 of the Helsinki MoU and Article 228 of the LoGA, which provided for the establishment of a human rights court.⁴ These and other clauses written into the peace deal were designed to provide avenues of accountability for the violations perpetrated primarily by members of Indonesia's military and police forces during the conflict. To help uncover these abuses, and to provide a mechanism for Acehnese society to reconcile after the 30-year war, Clauses 2.3 of the Helsinki MoU and Articles 229–30 of the LoGA also contained provisions for establishing a truth and reconciliation commission. Further, in Article 260 of the LoGA there was a special provision stating that the commission should be established within one year of the law's enactment.

That truth and reconciliation commission was a long time coming. It was late 2013 before the Aceh provincial government, driven by persistent civil society lobbying, passed legislation enabling the KKR Aceh to be established (*Qanun Aceh* No. 17 of 2013).⁵ It was not until late 2016, however, that the commissioners were finally selected and the KKR Aceh was able to commence its first term in office (2016–21). As explored by some of the authors in this volume, the Aceh provincial government, in its 2013 legislation, took the highly unusual step of establishing the KKR Aceh

3 On the 2005 Helsinki MoU and the 2006 Law on the Governing of Aceh/LoGA (Law 11/2006 of the Indonesian national parliament, *Undang-Undang Pemerintahan Aceh*) that enabled GAM to recreate itself as a political party, as well as a summary of the conflict, see Gunnar Stange and Antje Missbach, 'The Aceh Peace Process: Wheeling and Dealing behind Closed Doors,' in *Aspirations with Limitations: Indonesia's Foreign Affairs under Susilo Bambang Yudhoyono*, ed. Ulla Fionna, Siwage Dharma Negara and Deasy Simandjuntak (Singapore: ISEAS–Yusof Ishak Institute, 2018), 231–54.

4 Chapter 2 of this volume discusses the KKR Aceh in terms of potential judicial mechanisms in Aceh. On seeking truth and reconciliation over judicial mechanisms in Aceh, see also Jiwon Suh, 'Preemptive Transitional Justice Policies in Aceh, Indonesia,' *Southeast Asian Studies* 4, no. 1 (2015): 95–124, doi.org/10.20495/seas.4.1_95.

5 On the delays in setting up the KKR Aceh, see Titik Firawati, 'Reconciliation through Cooperation: The Case of Aceh,' in *The Promise of Reconciliation? Examining Violent and Nonviolent Effects on Asian Conflicts*, ed. Chaiwat Satha-Anand (New York: Routledge, 2016), 23–41, doi.org/10.4324/9781315134291; Edward Aspinall and Fajran Zain, 'Transitional Justice Delayed in Aceh, Indonesia,' in *Transitional Justice in the Asia-Pacific*, ed. Renée Jeffery and Hun Joon Kim (Cambridge: Cambridge University Press, 2013), 87–123, doi.org/10.1017/CBO9781139628914. In Chapter 3 of this volume, Evi Narti Zain and Galuh Wandita discuss the work of civil society groups in Aceh to set up the commission, and the composition of those groups.

as a permanent commission, with each term lasting five years (Article 15).⁶ Since its inauguration in late 2016, the commission has been working to fulfil its three primary aims, as laid out in its mandate:

1. to seek the truth of human rights abuses between 1976 and 2005
2. to carry out measures for reconciliation in the province
3. to ensure there are reparations for victims of abuse (Article 3).⁷

The hearing testimony forum held by the new KKR Aceh in November 2018, the very first public event of its kind ever held by a state institution in Indonesia, broke new ground in Aceh's and Indonesia's social and political landscape. It was the first of its kind because every attempt to secure justice or reconciliation for state-led atrocities in the two decades prior – since the beginning of the Reformasi (Reformation) movement that brought down the New Order in 1998 – had been delayed, thwarted or denied by Indonesia's political elite, whose legislative agenda had never included any serious attempt to dig up the past.⁸ Despite some steps to 'open up' these dark parts of Indonesia's history in the early 2000s, during the initial Reformasi period, successive administrations in Indonesia have sought to dig a hole and bury the past.⁹ Moreover, in Aceh, where peacebuilding has meant a purposeful forgetting of past abuses, this inaugural hearing testimony forum was the first time that the state, which was responsible for their abuse, had given survivors an official platform to speak publicly

6 Furthermore, the scope-of-investigation mandates of the two initial terms cover human rights violations committed from 1976 to 2005 (the period of the conflict) for the first term, and prior to 1976 for the second (*Qanun Aceh* No. 17 of 2013, Article 19).

7 For more on the mandate of the KKR Aceh, see Otto Syamsuddin Ishak, *Komisi Kebenaran Aceh: Mewujudkan Nilai Maqasid Syariah* (Banda Aceh: Bandar Publishing, 2017), 193–219; Lia Kent and Rizki Affiat, 'Gambling with Truth: Hopes and Challenges for Aceh's Commission for Truth and Reconciliation,' in *Flowers in the Wall: Truth and Reconciliation in Timor-Leste, Indonesia, and Melanesia*, ed. David Webster (Calgary: University of Calgary Press, 2017), 142–54, regnet.anu.edu.au/sites/default/files/publications/attachments/2019-01/Lia%20Kent%20Gambling%20with%20truth.pdf.

8 See International Centre for Transitional Justice (ICTJ) and Komisi untuk Orang Hilang dan Korban Kekerasan [Commission for the Disappeared and Victims of Violence] (KontraS), *Derailed: Transitional Justice in Indonesia since the Fall of Soeharto*, Joint Report by ICTJ and KontraS (Jakarta: International Center for Transitional Justice and KontraS, 2011); Sri Lestari Wahyuningroem, 'Towards Post-Transitional Justice: The Failures of Transitional Justice and the Roles of Civil Society in Indonesia,' *Journal of Southeast Asian Human Rights* 3, no. 1 (2019): 124–54, doi.org/10.19184/jseahr.v3i1.11497; Ehito Kimura, 'The Struggle for Justice and Reconciliation in Post-Suharto Indonesia,' *Southeast Asian Studies* 4, no. 1 (2015): 73–93, doi.org/10.20495/seas.4.1_73.

9 On this 'opening up' in the early Reformasi period, see Ann Laura Stoler, 'On the Uses and Abuses of the Past in Indonesia: Beyond the Mass Killings of 1965,' *Asian Survey* 42, no. 4 (2002): 642–50, doi.org/10.1525/as.2002.42.4.642; Mary S. Zurbuchen, *Beginning to Remember: The Past in the Indonesian Present* (Seattle: University of Washington Press, 2005).

about their experiences. When each of the 14 men and women who gave their testimonies spoke over those two days in November 2018, they were digging up Aceh's unsettled and unresolved past. As the contributors in this volume explain, unearthing atrocities that so many in Aceh's and Indonesia's oligarchic elite and military would prefer to see buried forever is dangerous and sensitive work, but the KKR Aceh is finding a way to do it.

The KKR Aceh was able to break this new ground only due to the tenacious and, frankly, courageous work of civil society groups in Aceh, and their networks and supporters. These civil society groups have created and shaped the KKR Aceh; its work will probably always depend on them and, ultimately, be formed by them. As the various contributors in this book show, the people who make up the commission come mostly from civil society, and their connections and networks are what they draw upon to achieve their goals. The commissioners and staff of the KKR Aceh have faced numerous challenges, including intimidation and harassment, a hostile environment in their attempts to uncover information on human rights abuses, and critical funding shortages. With the support of various non-government organisations (NGOs), they have found ways to deal with these problems.¹⁰

In this introductory chapter, we provide some contextual background for the analyses in the rest of the volume. We begin by summarising the focus and scope of this book, and the various chapter contributions. We then briefly outline the conflict between GAM and the Indonesian state between 1976 and 2005, as well as the peace process that finally ended the war in Aceh. We also offer a short discussion of the critical role that civil society has played in the transitional justice process in Aceh, a theme that Evi Narti Zain and Galuh Wandita expand on in Chapter 3. Our argument here is that the Aceh case demonstrates clearly the role of civil society as the main driver of truth-telling and accountability in transitional justice, particularly when the state purposely takes a recalcitrant, even obstructionist stance against these aims.

10 In Chapter 2 of this volume, for example, Jess Melvin, Indria Fernida, Sri Lestari Wahyuningroem and Annie Pohlman outline some of the problems faced in collecting data on human rights abuses, such as the provision of amnesties to GAM forces, which effectively forestalls any incentives for alleged perpetrators to come forth with information. In Chapters 3 and 5 of this volume, Evi Narti Zain and Galuh Wandita discuss the critical lack of funding by the Aceh government during the first year of its operations, and how civil society groups have stepped in to help.

We then highlight how survivor advocacy groups and human rights groups have been the main force behind the establishment and running of the KKR Aceh, before discussing the strong oppositional forces they have faced, and continue to face, in both local and national contexts. Before it was established, the KKR Aceh was often seen as an 'impossible' commission, one that would never happen. Such views over the strength of the oppositional forces in Aceh and across Indonesia, which we address below: the blanket impunity for state-led atrocities, the reversion to authoritarian and militarist governance, and the state's seeming determination to dig a hole and bury the past. Since its establishment, the commission has had to face these and other challenges, including operational and funding problems, as well as the disruption that the COVID-19 pandemic has wrought.¹¹ We conclude by briefly taking stock of the achievements of the KKR Aceh, as one of the very few transitional justice mechanisms ever to go ahead in Indonesia, and to reflect on lessons learned, looking back at the end of the commission's first term in office.

Aims and scope of the book

In this volume, we wish to amplify the role of civil society actors in the transitional justice process, focusing on civil society as a driver for truth-telling and accountability in the Aceh context. The purpose of this volume, therefore, is to examine the KKR Aceh and its work, and, critically, to highlight the sociopolitical context in which this work is taking place. To this end, the contributors examine the formation, aims and current programs of the KKR Aceh, and how these are shaped by local and national actors and interests. The contributors variously examine the civil society groups that have pushed for justice and reconciliation since the conflict, the political and other challenges they have faced in their efforts locally and nationally, and the strategies the commission and its supporters have needed to develop to secure its work.

Given the centrality of civil society actors in the KKR Aceh, our emphasis from the beginning was to involve the civil society members of the commission, and various civil society groups, in conducting this research and producing this volume. Each of the chapters has been written by a team of authors composed predominantly of commissioners, staff from the KKR

11 These challenges are elaborated below and in Chapter 2.

Aceh, members of key civil society organisations, and academics, both Indonesian and from abroad. Our aim was to scrutinise the commission from the inside, and to analyse its establishment and operation from the perspective of those who have been intimately involved in these processes.

The timing of this volume was also critical: our joint research was conducted in 2018 and 2019,¹² approximately halfway through the commission's first term in office, which began in late 2016 and ran until the end of 2021. The timing allowed some of the author teams in this volume to focus on specific programs and areas, as a way of monitoring their progress. Contributors take a critical and reflective view of the commission and its work, highlighting successes and areas needing improvement. These critiques are based on data amassed by the commission thus far, but they are also deeply grounded in its members' insights and personal involvement in the work.

Each of the writing teams has focused on a particular area of the KKR Aceh's establishment, work or political context. The first three chapters deal with the larger aims and constraints of the KKR Aceh. Chapter 2, by activist Indria Fernida and the editors, examines the KKR Aceh in the broader context of transitional justice efforts in the province. The authors address one of the key challenges for transitional justice in Indonesia: in a context of near-total impunity for gross human rights violations, how can a commission with limited powers bring about any measure of justice? In Chapter 3, commissioner Evi Narti Zain, and leading activist and transitional justice expert Galuh Wandita, delve into civil society's critical involvement in establishing the KKR Aceh. They argue that civil society needs to be understood as the pivotal force in driving truth-telling and accountability measures in the province. Chapter 4 then considers the broader context of the commission's operations. Written by transitional justice expert Lia Kent, and Aceh researcher and human rights practitioner Rizki Amalia Affiat, this chapter critically reflects on the somewhat ambiguous position of Aceh's dominant political group, the former GAM combatants, towards the KKR Aceh. Drawing on interviews with former GAM members and other political actors in the province, Kent and Affiat use a 'political settlement' framework to examine GAM's position on the commission's work, now that they have been integrated into Aceh's political governance structures. The authors find that GAM at times supports the work of the commission and at times undermines it.

12 Further joint research was planned, but travel restrictions, and other constraints imposed in early 2020 due to the COVID-19 pandemic, prevented it from taking place.

The following three chapters delve deeper into the investigatory and truth-telling functions of the KKR Aceh, taking stock of its progress, achievements and ongoing challenges in these areas. Chapter 5 examines two of the core functions of the commission: truth-seeking through the collection of personal testimonies, and truth-telling through the hearing testimony forums. The team of authors for this chapter is comprised of two key staff members from the commission's testimony team, Oni Imelva and Fitriani, and two activists from Asia Justice and Rights (AJAR) who have been helping the KKR Aceh with these tasks over the past few years, Atikah Nuraini and Dodi Yuniar. They explain the components of their mandates and operations, and investigate the experiences of survivors taking part in the commission's work by providing testimony. The authors further emphasise that the commission must prioritise the needs of survivors, now and in the future.

Chapters 6 and 7 also examine the commission's investigatory work but focus more on the findings regarding serious abuses of the past. Chapter 6 looks at one type of human rights violation perpetrated systematically during the conflict – torture – while Chapter 7 studies the role of one type of actor in the violence, those ambiguously referred to as *orang tak dikenal* (OTK, 'unknown people'). This euphemistic term is used to refer to any actors during the conflict, including security service groups and GAM, as well as both pro-military and pro-GAM civilian paramilitary groups, and is designed to obscure responsibility for violence. Chapter 6, written by commissioner Muhamad Daud Berueh, human rights activist Faisal Hadi, and historian Annie Pohlman, takes a small sample of the testimonies collected from survivors as the basis for a preliminary analysis of the patterns of torture used, the perpetrators, and the places where torture was carried out during the conflict. Drawing on evidence collected by the commission, activist and writer Azhari Aiyub, and historian Jess Melvin, perform a case study on military, GAM and militia groups, and their involvement in the perpetration of human rights abuses during the conflict in one region of Aceh, Bener Meriah. Specifically, they focus on attacks perpetrated by OTK, i.e. 'unknown persons'. As Aiyub and Melvin argue, uncovering and coming to terms with the actions of local militias in the conflict will be a key issue for the KKR Aceh in achieving reconciliation in the province.

In Chapter 8, transitional justice researcher and practitioner Sri Lestari Wahyuningroem, and human rights activist Hendra Saputra, situate the work of the KKR Aceh within broader efforts towards memorialisation in the province. They explain how civil society groups began memorialisation

projects well before the establishment of the commission and, now that it is in place, choose when and how to engage with it. In some cases, the KKR Aceh's efforts to memorialise victims of past abuses have forged strong connections between the commission and civil society, but not always. As Wahyuningroem and Saputra argue, the truths of past injustices remain unsettled in Aceh. The KKR Aceh is just one of multiple organisations and groups, all with vested interests, in which victims and violations are commemorated.

The volume concludes with a brief epilogue by leading restorative justice researcher John Braithwaite. Braithwaite situates the work of the KKR Aceh more broadly within transitional justice efforts in the Indonesian and international contexts, and offers his insights into the role of civil society as a driver for truth, reconciliation and justice.

This volume offers an insider's view of the work of the KKR Aceh and provides critical reflections on its successes and failures to date. It also considers the ongoing challenges that the commission faces. Compiled during the first term of the commission that ended in late 2021, it provides an assessment of a project still in progress. It is yet to be seen if the commission will succeed in its aim of ensuring there are fair reparations and meaningful reconciliation in the province. Nevertheless, as the authors of this volume contend, there is reason for hope. Once considered impossible, the KKR Aceh is keeping the flame of transitional justice in Indonesia, however small, alive.

Human rights abuses during the Aceh conflict

The Aceh conflict is best understood as occurring in three phases.¹³ Each of these phases possessed unique triggers and resulted in different patterns of violence and human rights abuses in the province. During the first phase of the conflict (1976–89), when GAM was treated as a criminal gang

13 Shane Joshua Barter, 'Resources, Religion, Rebellion: The Sources and Lessons of Acehese Separatism,' *Small Wars and Insurgencies* 19, no. 1 (2008): 53, doi.org/10.1080/09592310801905769. Note, however, that in the final report of the KKR Aceh (due for release in 2023), the periodisation of the conflict is different, because the KKR Aceh focuses on three periods of heightened militarisation: (1) the DOM (Daerah Operasi Militer) period (1989–98); (2) the 'Operation Sandi' period (roughly late 1998 to early 2003); and (3) from May 2003 (when the 'Military Emergency' period is announced) to the signing of the peace deal in August 2005.

by Indonesian security forces, human rights abuses remained relatively isolated.¹⁴ In the second phase (1990–98), when martial law was first declared in the province, human rights abuses became widespread as the civilian population was drawn into the conflict.¹⁵ Meanwhile, during the third and final phase of the conflict (late 1998 to 2005), martial law was re-established after a series of failed peace negotiations.¹⁶ Human rights abuses became routine in the province, the Indonesian state increasingly treating the civilian population as a hostile population.

When GAM unilaterally declared Aceh's independence on 4 December 1976, the organisation was 'miniscule'.¹⁷ Its estimated 70 original fighters were poorly armed and in need of training.¹⁸ In its propaganda, GAM pointed to historical and economic reasons for the insurgency. Aceh has a long and proud history of opposition to outside rule.¹⁹ Indonesia, GAM claimed, had simply replaced the Dutch colonial state and was economically exploiting Aceh for the benefit of the national 'Javanese' elite,²⁰ while the Acehnese remained poor.²¹ This was a rather selective history. It failed to

14 On the early phase of the conflict, and its origins, see Edward Aspinall, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia* (Stanford: Stanford University Press, 2009), 18–83; Tim Kell, *The Roots of Acehnese Rebellion, 1989–1992* (Ithaca, NY: Cornell University, 1995).

15 For an overview of military operations during the DOM period, see Rizal Sukma, 'Security Operations in Aceh: Goals, Consequence, and Lessons,' *Policy Studies* 3 (Washington: East-West Center, 2004), eastwestcenter.org/publications/security-operations-aceh-goals-consequences-and-lessons; Geoffrey Robinson, 'Rawan Is as Rawan Does: The Origins of Disorder in New Order Aceh,' *Indonesia* 66 (October 1998): 126–57, doi.org/10.2307/3351450. For reporting on human rights abuses during the DOM period, see Amnesty International, *Indonesia – 'Shock Therapy': Restoring Order in Aceh 1989–1993* (London: Amnesty International: 27 July 1993), ASA 21/07/93, amnesty.org/en/documents/asa21/007/1993/en/; Human Rights Watch, 'Indonesia: The War in Aceh,' *Human Rights Watch Report* 13, no. 4 (c), August 2001.

16 On the final phases of the conflict, see Aspinall, *Islam and Nation*, 151–92; Matthew N. Davies, *Indonesia's War over Aceh: Last Stand on Mecca's Porch* (London: Routledge, 2006), 158–224, doi.org/10.4324/9780203968802. For reporting on human rights abuses during this period, see Human Rights Watch, 'Aceh under Martial Law: Inside the Secret War,' *Human Rights Watch* 15, no. 10 (c), December 2003, 13–41; Amnesty International, *Indonesia: New Military Operations, Old Patterns of Human Rights Abuses in Aceh (Nangroe Aceh Darussalam, NAD)* (London: Amnesty International, 7 October 2004), ASA 21/033/2004, amnesty.org/en/documents/asa21/033/2004/en/.

17 Robinson, 'Rawan Is as Rawan Does,' 128. During the early stages of the conflict, GAM was known as the Aceh Sumatra National Liberation Front (ASNLF) and Aceh Merdeka.

18 Kirsten E. Schulze, 'Insurgency and Counter-Insurgency: Strategy and the Aceh Conflict, October 1976–May 2004,' in *Verandah of Violence: The Background to the Aceh Problem*, ed. Anthony Reid (Singapore: Singapore University Press, 2006), 226, doi.org/10.1017/s0021911808000557.

19 For a good overview of Acehnese history from the first millennium of the Common Era to the 2005 peace agreement, see Anthony Reid, ed., *Verandah of Violence: The Background to the Aceh Problem* (Singapore: Singapore University Press, 2006), doi.org/10.1017/s0021911808000557.

20 This group is described by GAM as 'Javanese neo-colonialists'. The Javanese people are an ethnic group native to the island of Java. They constitute Indonesia's largest ethnic group.

21 'Aceh: Declaration of Independence of Aceh-Sumatra,' Tengku Hasan M. di Tiro, Aceh, Sumatra, 4 December 1976, unpo.org/article/744.

mention that GAM founder and Acehnese businessman Tengku Hasan di Tiro had, for his part, unsuccessfully attempted to secure a multimillion-dollar contract to exploit vast oil and natural gas reserves discovered in North Aceh during the early 1970s.²² This contract was ultimately won by Mobil Oil Indonesia, a joint venture between US-based oil giant Mobil Oil and Indonesia's state-owned Pertamina, which would subsequently become a target for GAM attacks and threats in the province.²³

During the first phase of the conflict, GAM concentrated on training and education. Between 1986 and 1989, approximately 300 GAM members were sent to Libya to undertake basic insurgency training.²⁴ Meanwhile, GAM circulated pamphlets and held meetings with villagers throughout the province.²⁵ Due to the secular nature of GAM's program, the movement failed to win much support among Aceh's religious leaders.²⁶ It did, however, manage to gain 'widespread attention and sympathy' in the civilian population, although this support remained largely passive at the time.²⁷ Gerakan Aceh Merdeka also engaged in sporadic attacks against local military and police posts.²⁸

This initial stage of the insurgency was quickly crushed by the military, with many of GAM's fighters killed or forced to flee.²⁹ Di Tiro was among those who fled. Finding refuge in Sweden, he spent the remainder of the conflict abroad. At this time, the military treated GAM as a 'criminal gang' rather than a group instigating a full-blown insurgency.³⁰ This categorisation meant that Aceh's civilian population was largely left alone, while GAM members were hunted down and eliminated by the security forces. Yet, despite the

22 Schulze, 'Insurgency and Counter-Insurgency,' 233.

23 For an account of Mobil Oil's operations in Aceh, see International Center for Transitional Justice, *A Matter of Complicity? Exxon Mobil on Trial for Its Role in Human Rights Violations in Aceh* (New York: International Center for Transitional Justice, 1 November 2008), ictj.org/publication/matter-complicity-exxon-mobil-trial-its-role-human-rights-violations-aceh.

24 M. Isa Sulaiman, 'From Autonomy to Periphery: A Critical Evaluation of the Acehnese Nationalist Movement,' in *Verandah of Violence: The Background to the Aceh Problem*, ed. Anthony Reid (Singapore: Singapore University Press, 2006), 138, doi.org/10.1017/s0021911808000557.

25 Kell, *Acehnese Rebellion*, 66.

26 Kell, *Acehnese Rebellion*, 65.

27 Eric Eugene Morris, 'Islam and Politics in Aceh: A Study of Center-Periphery Relations in Indonesia,' (PhD diss., Cornell University, 1983), 300.

28 Kell, *Acehnese Rebellion*, 66.

29 Robinson, 'Rawan Is as Rawan Does,' 130–31.

30 The term used by the Indonesian military was 'GPK' (Gerakan Pengacau Keamanan, Security Disruptors' Movement). On the evolution of this term during the New Order, see, for example, Dave McRae, 'A Discourse on Separatists,' *Indonesia* 74 (2002): 37–58, doi.org/10.2307/3351524. See also Robinson, 'Rawan Is as Rawan Does,' 130–31.

initial success of this tactic in crushing GAM's leadership, popular support for the insurgency continued to grow.³¹ This support was particularly strong in northern Aceh, where economic disparity between the local population and the wealthy gated community that had sprung up around Mobil Oil's oil and gas fields was at its most extreme. Civilian support continued to grow, and Mobil Oil began to hire Indonesian military units to protect its operations in the province.³²

Despite being almost crushed during the first phase of the conflict, GAM was never destroyed.³³ Gerakan Aceh Merdeka re-emerged as a military organisation in 1989, when it launched a new series of attacks against military and police posts that netted the movement ammunition and dozens of automatic weapons.³⁴ These attacks, while largely symbolic in nature, led to a new and aggressive response by the security forces. Aceh was declared a Daerah Operasi Militer (DOM, Military Operations Zone) and placed under martial law in July 1990. Public killings, forced disappearances, the display of corpses, arbitrary detention and the use of torture against detainees became widespread.³⁵ Meanwhile, a key component of this new counterinsurgency campaign was the military's use of civilians to 'assist' the military in launching its attack against guerrilla fighters.³⁶

Throughout this second phase of the conflict, civilians were forced to participate in 'fence of legs' operations.³⁷ During these operations, civilians were compelled to sweep through an area ahead of the military to flush out guerrilla fighters. This technique effectively used civilians as human shields against any resistance to these attacks. Civilians were also compelled to participate in local 'vigilante' groups and night patrols.³⁸ Again, these techniques exposed civilians to attack, while effectively mobilising the civilian population to become partisan actors in the conflict.³⁹ Similar tactics had been

31 Kell, *Acehnese Rebellion*, 66.

32 Komisi untuk Orang Hilang dan Korban Kekerasan [Commission for the Disappeared and Victims of Violence] (KontraS), *Aceh: Damai Dengan Keadilan? Mengungkap Kekerasan Masa Lalu* [Aceh: Peace with Justice? Uncovering Past Violence] (Banda Aceh: KontraS, February 2006), 35, kontras.org/wp-content/uploads/2019/07/aceh-damai-dengan-keadilan.pdf.

33 Kell, *Acehnese Rebellion*, 66.

34 Human Rights Watch, 'Aceh under Martial Law: Inside the Secret War,' *Human Rights Watch* 15, no. 10 (c) (December 2003): 8, hrw.org/report/2003/12/17/aceh-under-martial-law-inside-secret-war.

35 Human Rights Watch, 'Aceh under Martial Law,' 18–43.

36 Amnesty International, *Time to Face the Past: Justice for Past Abuses in Indonesia's Aceh Province* (London: Amnesty International, 18 April 2013), ASA 21/001/2013, 15, amnesty.org/en/documents/asa21/001/2013/en/.

37 Robinson, 'Rawan Is as Rawan Does,' 143.

38 Jess Melvin and Azhari Aiyub discuss these techniques in more detail in Chapter 7 of this volume.

39 Kell, *Acehnese Rebellion*, 75.

used by the military during the 1965–66 Indonesian genocide that ushered in the New Order, and in the occupation of East Timor (1975–99).⁴⁰ As in these earlier campaigns, the military's coercion and coopting of civilians resulted in widespread human rights abuses in the province.

Amnesty International has proposed that many of the abuses perpetrated by the armed forces during this phase of the conflict may amount to war crimes and crimes against humanity.⁴¹ Gerakan Aceh Merdeka is also known to have committed human rights abuses during this period that may constitute war crimes and crimes against humanity.⁴² Furthermore, Mobil Oil has been accused of human rights abuses in the province. In addition to hiring Indonesian military units to provide security for its operations, Mobil Oil provided earthmovers to dig mass graves for the military's victims, and it allowed a military-run torture centre to be established at the Mobil Oil site.⁴³ The Indonesian state described the approach it took during this phase of the conflict as 'shock therapy'.⁴⁴ However, contrary to the military's intention, this approach strengthened popular opposition to the Indonesian state in Aceh as outrage grew over human rights abuses in the province.⁴⁵

This second phase of the conflict was brought to a sudden halt in May 1998, when Suharto was forced from power after months of grassroots pro-democracy activism throughout Indonesia. In Aceh, support for the pro-democracy movement, which had been suppressed during the conflict, was suddenly able to find its voice.⁴⁶ Human rights activists began openly reporting on human rights abuses during the conflict. This included exposing the military's systematic use of torture at military-controlled detentions centres, such as at Rumoh Geudong,⁴⁷ and the exhumation of mass graves.⁴⁸

40 KontraS, *Aceh: Damai dengan Keadilan?*, 40–41.

41 Amnesty International, *Time to Face the Past*, 15.

42 Schulze, 'Insurgency and Counter-Insurgency,' 227–28.

43 KontraS, *Aceh: Damai Dengan Keadilan?*, 33; International Center for Transitional Justice, 'A Matter of Complicity?' In June 2001, a lawsuit was filed in the United States District Court for the District of Columbia against Exxon Mobil (previously Mobil Oil) by the International Labor Rights Fund, on behalf of 11 unnamed villagers from Aceh. The suit alleged that the oil giant knowingly hired and supported local military forces involved in human rights abuses in Aceh. In May 2023, Exxon Mobil settled the case with a confidential financial settlement. See Aisyah Llewellyn, 'After 22 Years, ExxonMobil Finally Settles Indonesian Human Rights Case,' *The Diplomat*, 20 June 2023, thediplomat.com/2023/06/after-22-years-exxonmobil-finally-settles-indonesian-human-rights-case/.

44 Kell, *Acehnese Rebellion*, 74.

45 Robinson, 'Rawan Is as Rawan Does,' 145.

46 KontraS, *Aceh: Damai Dengan Keadilan?*, 71.

47 Rumoh Geudong, a traditional Acehnese house in Pidie, was used as an interrogation centre by the armed forces during the 1990s. The Rumoh Geudong memorial is discussed by Sri Lestari Wahyuningroem and Hendra Saputra in Chapter 8 of this volume.

48 These centres are discussed further in Chapters 5, 6 and 8 of this volume.

Human rights activists in other parts of Indonesia also expressed solidarity with the Acehnese people.⁴⁹ A major demand of this national pro-democracy movement was the end of the military's involvement in domestic politics, and it was hoped that the conflict in Aceh could now be resolved peacefully.

This hope for peace in Aceh was strengthened in August 1998 when armed forces commander, General Wiranto, issued a public apology for the military's 'excesses' during the DOM period in Aceh.⁵⁰ Non-Aceh-based troops were withdrawn from the province, while martial law was lifted. However, 22 years of conflict had created deep rifts within Acehnese society. Reports began to emerge from Aceh about violent attacks on civilians who were accused of collaborating with the military during the conflict.⁵¹ Alleged 'spies' (*cuak*), who were said to have informed on GAM, were also viciously attacked. The military's use of civilians in the conflict, especially its mobilisation of civilian 'vigilante' groups as part of its counterinsurgency warfare strategy, exacerbated horizontal conflict in the province and built support for GAM's ethnonationalist claims for an independent state.⁵²

The third and final phase of the conflict began in late 1998, when GAM is alleged to have launched a new series of attacks against remaining troops in the province.⁵³ The military responded to this provocation by launching its own new series of military operations. Again, these attacks backfired. Human rights abuses in Aceh began to be reported publicly, strengthening public opinion against the armed forces and boosting popular support for Acehnese independence.⁵⁴ In late 1999, Indonesia's Komisi Nasional Hak Asasi Manusia (Komnas HAM, National Human Rights Commission) established an official investigation into human rights abuses in the province. However, its key recommendation, which was to hold an official inquiry that could eventually lead to criminal investigations and prosecutions in a human rights court, was ignored.⁵⁵ Human Rights Watch has observed that the 'same types of human rights

49 Robinson, 'Rawan Is as Rawan Does,' 145.

50 Amnesty International, *Time to Face the Past*, 17.

51 Robinson, 'Rawan Is as Rawan Does,' 144.

52 Barter, 'Resources, Religion, Rebellion,' 53.

53 Amnesty International, *Time to Face the Past*, 17.

54 Robinson, 'Rawan Is as Rawan Does,' 147.

55 'Komnas HAM Report Puts Aceh Human Rights Violations Back on the Table,' *Jakarta Globe*, 15 August 2013, asia-pacific-solidarity.net/index.php/news/2013-08-15/komnas-ham-report-puts-aceh-human-rights-violations-back-table.html.

abuses that had characterised the DOM period, including public killings, forced disappearances, systematic torture and the use of civilians in military operations, had resumed in the province'.⁵⁶

On 7 November 1999, pro-democracy students and human rights activists staged a mass demonstration in support of a referendum in Aceh. Inspired by East Timorese activists, who had successfully fought for a referendum in that province a few months earlier, up to half a million people, representing a broad cross-section of Acehnese society, took to the streets of Banda Aceh.⁵⁷ Gathered in front of the city's main mosque, the protesters expressed overwhelming support for an immediate vote in the province and cheered when demonstrators 'threatened to declare independence unilaterally if they were not granted a referendum'.⁵⁸ While GAM, a largely rural phenomenon, demanded immediate independence, many city-based activists, at least initially, saw their demand for a referendum as a 'bargaining chip'.⁵⁹

In Aceh, from mid-2000, a string of unsuccessful peace negotiations took place between GAM and the Republic of Indonesia. This included a 'humanitarian pause' brokered by the Henri Dunant Centre (HDC) in May 2000 and a 'Cessation of Hostilities Framework Agreement' that was also negotiated with the assistance of the HDC in December 2002.⁶⁰ Despite drawing widespread international support, these peace negotiations broke down amid accusations that both sides were negotiating in bad faith.⁶¹ Meanwhile, both sides used the pause in violence to strengthen their positions.

On 19 May 2003, Indonesia's then president, Megawati Sukarnoputri, placed Aceh under martial law and authorised Indonesia's security forces to 'launch full-scale military operations' in the province.⁶² The start of the 'military emergency' period in May 2003 (and its renewal as a 'civilian emergency' one year later) marked a further intensification of violence,

56 Human Rights Watch, 'Aceh under Martial Law,' 9.

57 Edward Aspinall, 'Violence and Identity Formation in Aceh under Indonesian Rule,' in *Verandah of Violence: The Background to the Aceh Problem*, ed. Anthony Reid (Singapore: Singapore University Press, 2006), 167, doi.org/10.1017/s0021911808000557.

58 'Acehnese Demand Independence,' *BBC News*, 7 November 1999, World: Asia-Pacific, news.bbc.co.uk/2/hi/asia-pacific/508798.stm.

59 Edward Aspinall, 'Modernity, History and Ethnicity: Indonesian and Acehnese Nationalism in Conflict,' *Review of Indonesian and Malaysian Affairs* 36, no. 1 (2002): 13.

60 Schulze, 'Insurgency and Counter-Insurgency,' 239–41.

61 Amnesty International, *Time to Face the Past*, 17–19.

62 Human Rights Watch, 'Aceh under Martial Law,' 10.

and Aceh would now experience its most ferocious period of conflict.⁶³ All aspects of life in the province were once again placed under military control, while the province was shut off from the outside world. Apparently inspired by US operations in Iraq, only embedded journalists were permitted to operate in the province.⁶⁴ Atrocities against civilians, perpetrated by both the Indonesian military and GAM, became rampant. By placing civilians under such strict control, the military achieved successes in isolating GAM. However, this military success came at a horrific humanitarian cost. Acehnese civilians lived in fear, under constant surveillance and threat of being subjected to human rights violations, including extortion, extrajudicial arrest, torture and death.⁶⁵

The Indian Ocean tsunami of 26 December 2004 acted as a circuit-breaker for the conflict. The tsunami, which killed an estimated 160,000 people in the province and left a further half a million people homeless,⁶⁶ forced Aceh into the international spotlight. Within days, GAM declared a unilateral ceasefire, while continued attempts by the military to maintain conditions similar to martial law in the province were heavily criticised by the international community.⁶⁷ An end to hostilities was demanded in return for the continued flow of the approximately US\$1 billion of humanitarian aid that flooded into the province.⁶⁸ This ceasefire held.

New peace negotiations were held between the Indonesian government and GAM from early 2005. A memorandum of understanding (MoU) was signed by the two sides on 15 August 2005, bringing a formal end to the

63 Megawati's decree to establish a state of emergency (*Keputusan Presiden [Kepres] Nomor 28 Tahun 2003 tentang Pemberlakuan Darurat Militer di Propinsi Aceh*) instated martial law and brought an estimated 50,000 additional military and police personnel into Aceh. A second, slightly downgraded, period of 'civil emergency' was established by President Megawati one year later, on 19 May 2004 (*Keputusan Presiden [Kepres] Nomor 43 Tahun 2004*) and remained in force in the post-tsunami humanitarian disaster until May 2005.

64 A Lin. Neumann, 'Special Report: Aceh,' *Committee to Protect Journalists*, 16 July 2003, cpj.org/reports/2003/07/aceh-03/.

65 Human Rights Watch, 'Aceh under Martial Law,' 18–43.

66 Norwegian Refugee Council/Internal Displacement Monitoring Centre, *Indonesia: Support Needed for Return and Re-integration of Displaced Acehnese following Peace Agreement, a Profile of the Internal Displacement Situation*, 19 July 2006, refworld.org/pdfid/44bf3e874.pdf.

67 Rodd McGibbon, 'Local Leadership and the Aceh Conflict,' in *Verandah of Violence: The Background to the Aceh Problem*, ed. Anthony Reid (Singapore: Singapore University Press, 2006), 347–49, doi.org/10.1017/s0021911808000557.

68 Carla Kweifio-Okai, 'Where Did the Indian Ocean Tsunami Aid Money Go?' *The Guardian*, 26 December 2014, theguardian.com/global-development/2014/dec/25/where-did-indian-ocean-tsunami-aid-money-go.

conflict.⁶⁹ As part of the MoU, GAM – which had been all but militarily crushed at the time the tsunami struck – promised to abandon its demand for Acehese independence in return for increased regional autonomy. The MoU also included provision for a truth and reconciliation commission (KKR) to be established in Aceh to investigate human rights abuses during the conflict.⁷⁰ Both the Indonesian government and GAM resisted the formation of the KKR Aceh, which was eventually established in October 2016. It was only through the tireless work and lobbying of human rights activists in the province that the KKR Aceh was established. Many of these activists had been part of the earlier pro-referendum movement.

As Lia Kent and Rizki Amalia Affiat discuss further in Chapter 4, the KKR Aceh's work is hampered to this day by both the Indonesian state and former GAM members, who have little interest in investigating human rights abuses in the province. As during Aceh's almost three-decade-long conflict, Aceh's civilians continue to suffer in silence. Meanwhile, the economic and environmental plunder of the province continues. Although Mobil Oil (now Exxon Mobil) sold its assets in Aceh to Indonesia's state oil and gas company Pertamina in 2015, new deals have been made.⁷¹ Starbucks sources 'certified' coffee beans from Central Aceh, where many farmers continue to live in poverty despite the corporation's sworn commitment to improving the lives of local farmers,⁷² while Nestle and Mars have been caught buying illegal palm oil from the province.⁷³ Meanwhile, a large portion of the US\$150 million in funding that was allocated to victims of the conflict through the internationally backed *Badan Reintegrasi Aceh* (BRA, Aceh Reintegration Bureau) has ended up in the pockets of former GAM combatants.⁷⁴

69 'Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement' signed by Hamid Awaludin on behalf of the Government of the Republic of Indonesia and Malik Mahmud on behalf of the Free Aceh Movement, Helsinki, Finland, 15 August 2005, acehpeaceprocess.net/pdf/mou_final.pdf.

70 'Memorandum of Understanding,' 3.

71 Raras Cahyafitri, 'ExxonMobil Sells Aceh Assets to Pertamina,' *Jakarta Post*, 14 September 2015, thejakartapost.com/news/2015/09/14/exxonmobil-sells-aceh-assets-pertamina.html.

72 Ester Sri Astuti, Astrid Offermans, Rene Kemp, and Ron Corvers, 'The Impact of Coffee Certification on the Economic Performance of Indonesian Actors,' *Asian Journal of Agriculture and Development* 12, no. 2 (December 2015): 2; Starbucks Coffee Company, '2019 Global Social Impact Report,' 2020, 5, stories.starbucks.com/uploads/2020/06/2019-Starbucks-Global-Social-Impact-Report.pdf.

73 Rainforest Action Network, 'Will Nestle and Mars Intervene to Protect Indonesia's Peatlands? Rogue Conflict Palm Oil Producer Found Still Supplying Global Market,' *Leuser Watch*, 9 June 2020, ran.org/leuser-watch/will-nestle-and-mars-intervene-to-protect-indonesias-peatlands/.

74 Blair Palmer, 'The Price of Peace,' *Inside Indonesia* 90 (Oct–Dec 2007), 1 July 2007, insideindonesia.org/the-price-of-peace.

Aceh has now experienced nearly two decades of peace. This peace has seen unprecedented economic growth in the province. Banda Aceh now has a mall and international chain stores. Nonetheless, the Indonesian legal system has struggled to hold either the military or GAM to account for human rights atrocities perpetrated in the province during the conflict. The situation in Aceh mirrors broader patterns in Indonesia, where there has also been little progress in addressing historical human rights abuses. In the immediate aftermath of the fall of Suharto's New Order regime, various political and legal reforms were implemented.⁷⁵ These included strengthening Komnas HAM, which was tasked with investigating a number of unresolved cases of human rights abuses. Yet, 20 years on, 'no progress has been made.'⁷⁶ A lack of political will, 'especially at the highest levels of the political elite', has been identified as a major reason for this lack of progress.⁷⁷ As the Indonesian state has shown itself incapable of holding itself to account, this role has fallen to civil society groups. The following section examines the critical role of civil society as a driver of transitional justice in Aceh.

Truth commissions and civil society as drivers of transitional justice

According to a 2004 report of the United Nations Secretary-General, transitional justice, in its simplest form, is:

[t]he full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.⁷⁸

Attempts to settle cases of past injustice can take place by means of various measures and mechanisms. One of these mechanisms is the truth commission.

75 Ken Setiawan, 'Between Law, Politics and Memory: The Indonesian National Commission on Human Rights (Komnas HAM) and Justice for Past Human Rights Crimes,' *Australian Journal of Asian Law* 19, no. 1 (2018): 117-30, papers.ssrn.com/sol3/papers.cfm?abstract_id=3239774.

76 Asian Human Rights Commission, 'A Written Submission to the UN Human Rights Council by the Asian Legal Resource Centre,' *lifeissues.net*, 22 February 2017, lifeissues.net/writers/hra/hra_195indonesiahumanrights.html.

77 Setiawan, 'Between Law, Politics and Memory,' 5.

78 United Nations Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies: Report of the Secretary-General*, 23 August 2004, S/2004/616, securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/PCS%20S%202004%20616.pdf.

A truth commission is a formal institution whose mandate is to inquire into the facts surrounding past human rights violations, along with their root causes and societal impacts. In some countries, truth commissions also carry mandates to facilitate reparations for parties affected by the violence, especially the victims. Other commissions are additionally tasked with ensuring reconciliation in societies divided as a result of past conflict or mass violence, and of rebuilding civic trust not only between citizens, but also between citizens and the state.

In the literature on transitional justice, the definitions and scope of a truth commission vary considerably.⁷⁹ The most commonly used definition is provided by Priscilla Hayner, who describes truth commissions as:

bodies set up to investigate a past history of violations of human rights in a particular country – which can include violations by the military or other government forces or armed opposition forces.⁸⁰

Elsewhere, Hayner elaborates on this basic definition by naming four characteristics. Truth commissions, she says:

- investigate past human rights abuses. Unlike the judiciary or a human rights ombudsman, they do not focus on ongoing issues of human rights
- examine a pattern of human rights abuses over time, rather than a specific incident
- are temporary bodies
- are official bodies that are sanctioned, authorised or empowered by the state.⁸¹

Particularly since the 1990s, truth commissions have been adopted by countries in transition, from repressive to more democratic regimes, as well as by countries with more established democracies such as Canada.⁸²

79 Eric Brahm, 'What Is a Truth Commission and Why Does It Matter?', *Peace and Conflict Review* 3, no. 2 (2009): 1–14.

80 Priscilla B. Hayner, 'Fifteen Truth Commissions – 1974 to 1994: A Comparative Study,' *Human Rights Quarterly* 16, no. 4 (1994): 558, doi.org/10.2307/762562.

81 See Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (London: Routledge, 2001), 13–15. Using these definitions, researchers from Harvard University, Minnesota University and Oxford University, called the Transitional Justice Research Collaborative, set up a database documenting 71 truth commissions worldwide to 2010. It is available at transitionaljusticedata.com.

82 On reasons for the spread of truth commissions, see Anne K. Krueger, 'The Global Diffusion of Truth Commissions: An Integrative Approach to Diffusion as a Process of Collective Learning,' *Theory and Society* 45, no. 2 (2016): 143–68, doi.org/10.1007/s11186-016-9267-x.

Civil society groups in these respective countries have often played a major role in supporting state-initiated transitional justice mechanisms.⁸³ Their roles have ranged from addressing human rights issues during the preliminary settings of transitional justice processes to public deliberation and other technical roles, such as assisting victims and undertaking investigations.⁸⁴ In countries that experience successful transitional justice measures, civil society groups have undertaken significant roles by helping 'to initiate, advocate for, and shape some of the strongest and most interesting transitional justice initiatives that have been implemented around the world'.⁸⁵ Civil society groups, in this context, refer to a range of organisations, including human rights organisations, humanitarian aid organisations, victim and survivor associations, development NGOs, lawyers, academics, mental health and medical associations, religious organisations, and conflict transformation and peacebuilding groups.⁸⁶

The pivotal roles played by civil society actors in transitional justice have not always been well understood or acknowledged, particularly when transitional justice mechanisms are understood primarily as state-led and state-controlled. One of the main criticisms of transitional justice approaches has been this heavy focus on institutions, top-down state interventions and the law, which tends to consider civil society's role as only filling the gaps or acting as an 'intermediary between institutional mechanisms and citizens'.⁸⁷ Relegating civil society to the role of intermediary, or seeing their work as dependent on state-led initiatives, however, fundamentally misses the highly heterogeneous nature and dynamism of civil society actors and

83 See, for example, David Backer, 'Civil Society and Transitional Justice: Possibilities, Patterns and Prospects,' *Journal of Human Rights* 2, no. 3 (2003): 297–313, doi.org/10.1080/1475483032000132999; Priscilla Hayner, 'Truth Commissions,' in *Encyclopedia of Genocide and Crimes against Humanity*, Vol. 3, ed. Dinah L. Shelton (Detroit: Macmillan, 2005), 1045–47; David Crocker, 'Transitional Justice and International Civil Society: Toward a Normative Framework,' *Constellations* 5, no. 4 (1998): 23–41, doi.org/10.1111/1467-8675.00110; Naomi Roht-Arriaza, 'Civil Society in Processes of Accountability,' in *Post-conflict Justice*, ed. M. Cherif Bassiouni (Ardsey, New York: Transnational Publishers, 2002), 97–114; Eric Brahm, 'Uncovering the Truth: Examining Truth Commission Success and Impact' *International Studies Perspectives* 8, no. 1 (2007): 16–35, doi.org/10.1111/j.1528-3585.2007.00267.x.

84 See Backer, 'Civil Society and Transitional Justice,' 297–313.

85 Priscilla Hayner, 'Responding to a Painful Past: The Role of Civil Society and the International Community,' *KOFF-Series Working Paper: Dealing with the Past: Critical Issues, Lessons Learned, and Challenges for Future Swiss Policy*, ed. Mò Bleeker and Jonathan Sisson (Bern: Swiss Peace, 2005), 45.

86 Roger Duthie, *Building Trust and Capacity: Civil Society and Transitional Justice from a Development Perspective* (New York: International Center for Transitional Justice, 2009), 12, ictj.org/sites/default/files/ICTJ-Development-CivilSociety-FullPaper-2009-English.pdf.

87 Paul Gready and Simon Robins, 'Rethinking Civil Society and Transitional Justice: Lessons from Social Movements and "New" Civil Society,' *The International Journal of Human Rights* 21, no. 7 (2017): 957, doi.org/10.1080/13642987.2017.1313237.

institutions. To appreciate their diversity and complexity, Paul Gready and Simon Robins propose seeing civil society roles in a context of ‘justice in transition’, whereby both justice and the transition itself are dynamic, diverse and contextual.⁸⁸ Gready and Robins explain that this concept of justice in transition relates not only to acts of violence that preceded the transition but also to the continuities of injustice. Accordingly, civil society has different roles to play in its interaction with the transitional justice process, whereby civil society groups have more autonomy, act independently and model alternatives, often choosing not to see the state as a principal reference.⁸⁹

This work by Gready, Robin and others directs us to examine more closely the roles of civil society in setting up, and ensuring that the state adopts and implements, transitional justice measures.⁹⁰ When we consider the context of this book, Gready and Robin’s focus on the roles of civil society helps to illuminate the centrality of these civil actors in the establishment, operation and championing of the KKR Aceh. Based on research on transitional justice measures in Asia and the Pacific, Joanne Wallis and Lia Kent also emphasise that much more attention needs to be paid to civil society actors for the wide range of roles that they take on: as drivers for change, as enablers for formal processes, and, potentially, as disruptors.⁹¹ The authors explain that commonly reductionist interpretations of the nature of civil society groups and the roles they play in a transitional justice context ignore their diversity, and the range of their work and interests, frequently obscuring the fact that their priorities by no means always align with the ‘liberal-legal’ norms and processes that typically frame transitional justice efforts. Moreover, Wallis and Kent draw attention to the contexts in which the state enacting these transitional justice measures does ‘not conform to a liberal idea of statehood’ or is increasingly authoritarian – as is the case in Indonesia, and in some other parts of Asia and the Pacific. They point to the fact that civil society groups must often attempt to achieve their aims by means that sometimes, again, do not fit the more common liberal-legal,

88 See Gready and Robins, ‘Rethinking Civil Society,’ 956–75.

89 Gready and Robins, ‘Rethinking Civil Society,’ 960–61.

90 See also, for example, Paige Arthur and Christalla Yakinthou, eds., *Transitional Justice, International Assistance, and Civil Society: Missed Connections* (Cambridge: Cambridge University Press, 2018), doi.org/10.1017/9781316711347.

91 See Joanne Wallis and Lia Kent, ‘Introduction’, in Joanne Wallis and Lia Kent, eds., ‘Special Issue on “Reconceiving Civil Society and Transitional Justice: Lessons from Asia and the Pacific”’, *Global Change, Peace and Security* 31, no. 2 (2019): 129–38, doi.org/10.1080/14781158.2019.1599837.

transitional justice 'toolkit' approach.⁹² The case of transitional justice in Aceh is an example of a multisided civil society – in an increasingly illiberal Indonesia – that needs to adopt approaches that do not always match this liberal-legal approach.

As the chapters of this volume spell out, civil society groups in Aceh – working in concert and collaboration with other civil society networks at the national and sometimes international levels – have been the driving force for every achievement made thus far towards investigating past abuses, and promoting truth-telling and accountability, in Aceh. Civil society was, and remains, the driver for transitional justice, not the state. These groups have been critical in enabling the KKR Aceh to do its work, because the commissioners and staff rely heavily on networking with them to fulfil their truth-finding and truth-telling mandates, and will inevitably rely upon them to make headway towards reconciliation in the province. The political elite at the provincial and national level, on balance, have impeded progress towards this aim. Meanwhile, the substantial international presence in Aceh in the aftermath of the tsunami, which, by the end of 2005, included over 100 different international NGOs, focused primarily on post-tsunami reconstruction.⁹³ The case of Aceh is, therefore, also an example of how civil society groups must collaborate and organise in order to circumvent the state and coopt its instruments, because in Aceh the state had long since given up even the pretence of lip-service to seeking truth and justice for past atrocities.

92 Wallis and Kent, 'Special Issue,' 134. In the special issue edited by Wallis and Kent on 'Reconceiving Civil Society and Transitional Justice: Lessons from Asia and the Pacific', two of the papers emphasise the illiberal nature of some of the states undertaking transitional justice: on Indonesia (and Timor-Leste), see Lia Kent, 'Transitional Justice and the Spaces of Memory Activism in Timor-Leste and Aceh,' *Global Change, Peace and Security* 31, no. 2 (2019): 181–99, doi.org/10.1080/14781158.2019.1588870; and on Cambodia, see Dahlia Simangan and Rebecca Gidley, 'Exploring the Link between Mine Action and Transitional Justice in Cambodia,' *Global Change, Peace and Security* 31, no. 2 (2019): 221–43, doi.org/10.1080/14781158.2019.1608939.

93 For these international groups, it was more important to ensure that the peace deal held so that they could continue their various programs (such as – initially – distributing emergency food, tents and medical supplies, and later, building houses and supporting the 're-establishment' of livelihoods and the local economy) than to debate the form that such a peace might take, let alone to support transitional justice measures that could potentially destabilise the peace. The support of GAM was often 'bought' through the provision of material or financial aid to former GAM fighters. As discussed in Chapter 2 of this volume, the World Bank donated millions of dollars to the Badan Reintegrasi Aceh (BRA, Aceh Reintegration Agency), and former senior GAM leaders used these monies as a slush fund. See 'Rebuilding a Better Aceh and Nias: Stocktaking of the Reconstruction Effort,' Brief for the Coordination Forum Aceh and Nias (CFAN), Badan Rehabilitasi dan Rekonstruksi (BRR) and the World Bank, October 2005, xiii, reliefweb.int/sites/reliefweb.int/files/resources/C2A3BAE58111C156492570DD000DE581-wb-idn-26oct.pdf.

Impunity as usual: transitional justice in Indonesia

The story of Aceh in some ways follows, and in others completely breaks away from, the story of transitional justice in Indonesia more broadly. When the leader of the authoritarian New Order regime, General Suharto, stepped down from his office as president in May 1998, human rights groups across Indonesia immediately began working towards measures to ensure accountability for past abuses, and for truth and reconciliation to be on the agenda of democratic reforms. They applied a ‘dual-track’ strategy, lobbying the upper political elite to adopt a reform agenda while working independently of any elite group to empower grassroots communities.⁹⁴ Some elements within the new political elite quickly adopted this framework for transitional justice in the late 1990s because it was an effective means to distance the new regime from the New Order, and to gain public trust and legitimacy.⁹⁵

During this early Reformasi period, truth-seeking was a priority for settling cases of human rights abuses, while broader legal and constitutional reforms also took place. Both processes led to provisions for establishing human rights courts.⁹⁶ Interregnum president, B. J. Habibie (1998–99), formed teams to investigate abuses during the conflict in Aceh and the May 1998 riots. As an independent institution, Komnas HAM also formed several fact-finding teams aimed at uncovering the truth about human rights violations, including those perpetrated in Aceh during the military operations of the DOM period from 1989 to 1998. Hearings began under the leadership of President Abdurrahman Wahid (1999–2001) that included trials for cases of mass violence during and after the 1999 East Timor referendum, and the 1989 Tanjung Priok massacre in Jakarta.

The outcomes of these initial judicial efforts were disappointing. The East Timor and Tanjung Priok trials turned to farce, with deliberate military intimidation of the process and all defendants acquitted, either at trial or

94 Wahyuningroem, ‘Towards Post–Transitional Justice’.

95 Sri Lestari Wahyuningroem, *Transitional Justice from State to Civil Society: Democratization in Indonesia* (London: Routledge, 2019), doi.org/10.4324/9780429288609.

96 See Jeff Herbert, ‘The Legal Framework on Human Rights in Indonesia,’ in *Indonesia: Law and Society*, 2nd ed., ed. Tim Lindsey (Sydney: The Federation Press, 2008), 454–67.

on appeal.⁹⁷ While there were no human rights trials for Aceh at this time, there was one military trial on torture against civilians in North Aceh in 1999, and a civil-military trial (called *pengadilan koneksitas*) for the killings of a local *ulama* (religious leader), Teungku Bantaqiah, and his followers in West Aceh in 2000. The outcomes of both trials were also failures, with intimidation of witnesses, a lack of transparency in the process or execution of judgments, and none of the military commanders involved in these abuses indicted.⁹⁸

Truth-seeking efforts of transitional justice during the early Reformasi period fared no better. In 2004, after almost four years of legislating, the parliament and executive in Jakarta finally passed the Law on the Truth and Reconciliation Commission (the commission being known by its Indonesian acronym, KKR). However, before the commission could be established, a group of civil society organisations filed for a judicial review, because the law had included clauses granting blanket impunity to alleged perpetrators of serious violations. Rather than revoke those specific clauses, the Constitutional Court chose to annul the law altogether in 2006, and since then, the central government has made no more significant efforts to deal with or resolve cases of past violations.⁹⁹

Thus, despite real gains in the adoption of transitional justice and human rights policies during the early Reformasi period, it was clear from the mid-2000s onwards that any momentum had been lost. Several studies have shown how the implementation of these mechanisms and policies was highly unsatisfactory; most observers have commented that it was essentially flawed, resulting in a 'deficit' of justice and accountability,¹⁰⁰ and even the 'derailing' of transitional justice.¹⁰¹ The effect of these failures is clear:

97 See Tapol, 'Tanjung Priok Acquittals a Travesty,' *Tapol Bulletin* 180, no. 14, October 2005, tapol.org/bulletin/180-october-2005#tanjungpriok; David Cohen, 'Intended to Fail: The Trials before the Ad Hoc Human Rights Court in Jakarta,' *Occasional Paper Series*, International Center for Transitional Justice, August 2003, ictj.org/sites/default/files/ICTJ-Indonesia-Rights-Court-2003-English.pdf.

98 Suzannah Linton, 'Accounting for Atrocities in Indonesia,' *Singapore Year Book of International Law* 10 (2006): 199–231; Wahyuningroem, *Transitional Justice*, 48.

99 See Wahyuningroem, *Transitional Justice*, 54–59, 111–20; Jiwon Suh, 'The Suharto Case,' *Asian Journal of Social Science* 44, nos. 1–2 (2016): 214–45, doi.org/10.1163/15685314-04401009.

100 See Hikmahanto Juwana, 'Special Report: Assessing Indonesia's Human Rights Practice in the Post-Soeharto Era: 1998–2003,' *Singapore Journal of International and Comparative Law* 7, no. 2 (2003): 644–77, asianlii.org/sg/journals/SGJIntCompLaw/2003/24.pdf; Irene Istiningsih Hadiprayitno, 'Defensive Enforcement: Human Rights in Indonesia,' *Human Rights Review* 11 (2010): 373–99, doi.org/10.1007/s12142-009-0143-1.

101 International Center for Transitional Justice and KontraS, *Derailed*, 2.

the situation of human rights protection has not improved;¹⁰² human rights have not been upheld to any measurably greater degree, and there has been no end to impunity.¹⁰³ As Suzannah Linton argued in the mid-2000s, the transitional justice agenda was ‘hijacked’ by the political elite in the post-Suharto period.¹⁰⁴ All of these analyses underscore the lack of political will on the part of the state and the ruling elite to build on and implement gains of the early Reformasi period in strengthening human rights and accountability.

To explain why transitional justice failed in Indonesia – and failed so quickly – we need also to consider the impact of oligarchic consolidation in the early 2000s. The post-1998, initially reformist elite may have adopted a transitional justice agenda as a way to establish their own liberal-democratic credentials and to distance themselves from the old Suharto elite, but this adoption was, at best, shallow and ritualistic. The new elite may have embraced the discourse of transitional justice goals, but they never followed through to implement the substance of that discourse.¹⁰⁵ Rather, the new elite quickly joined forces with the remaining elements of the old elite, resulting in the oligarchy’s commitment to enduring impunity in Indonesia.¹⁰⁶ In the face of this oligarchic consolidation, civil society and human rights groups in Indonesia intensified their initiatives to secure

102 Juwana, ‘Special Report,’ 644–77. In comparison to the human rights situation under the New Order, there were significant improvements to legal protections introduced in the early Reformasi period (see Herbert, ‘Legal Framework’). There remains, however, a significant gap between legislated rights and enforcement. For one discussion of the issue in relation to women’s rights in the post–New Order period, see Jayne Curnow, ‘Legal Support Structures and the Realisation of Muslim Women’s Rights in Indonesia,’ *Asian Studies Review* 39, no. 2 (2015): 213–28, doi.org/10.1080/10357823.2015.1025695.

103 Linton, ‘Accounting for Atrocities,’ 199–231.

104 Linton, ‘Accounting for Atrocities,’ 229.

105 On human rights ritualism by states, see Hilary Charlesworth, ‘Swimming in Cambodia: Justice and Ritualism in Human Rights after Conflict,’ *Australian Year Book of International Law* 29 (2011): 1–16. On Indonesia’s ritualism regarding atrocity prevention, see Annie Pohlman, ‘Indonesia and the UN Genocide Convention: The Empty Promises of Human Rights Ritualism,’ in *The United Nations and Genocide*, ed. Deborah Mayersen (London: Palgrave Macmillan, 2016), 123–45.

106 On Indonesia’s oligarchic consolidation, see Vedi R. Hadiz and Richard Robison, ‘The Political Economy of Oligarchy and the Reorganization of Power in Indonesia,’ *Indonesia* 96 (2013): 35–57, doi.org/10.5728/indonesia.96.0033. On how oligarchic consolidation has contributed to impunity for human rights abuses in the Reformasi era, see, for example, Andrew Rosser, ‘Towards a Political Economy of Human Rights Violations in Post–New Order Indonesia,’ *Journal of Contemporary Asia* 43, no. 2 (2013): 243–56, doi.org/10.1080/00472336.2012.757436; and on the cycle of violence and impunity in Indonesia, see Linton, ‘Accounting for Atrocities,’ 199–231.

justice at both the grassroots and regional levels. For more than a decade, civil society has been working at the margins of the state to achieve local acts of truth-telling and remembrance.¹⁰⁷

Hence, at the national level in Indonesia, the story of transitional justice is one of initial hopes and reforms, followed, however, by the rapid consolidation of the former regime's impunity, with the early goals of truth-finding and accountability apparent only in discourse but never in practice. Two decades on from the end of the New Order, impunity for past gross violations only strengthens the culture of impunity for ongoing abuses committed by the state's security services. This is evident, for example, in the number of individuals accused of being perpetrators of past human rights violations who have occupied important positions in the government and political parties.¹⁰⁸

This volume examines the situation in Aceh, where for many years it seemed that the story of transitional justice would follow the same path as at the national level in Indonesia. In Aceh, as described by Edward Aspinall and Fajran Zain, there were actually two periods of transitional justice: the first, part of the momentous national Reformasi period after 1998, and the second, following the 2005 Helsinki MoU that dealt with Aceh's specific abuses during conflicts.¹⁰⁹ Aspinall and Zain argue that transitional justice in Aceh experienced the worst aspects of both periods.¹¹⁰ The first period failed to deliver any kind of national transitional justice mechanism and only strengthened impunity. The latter saw transitional justice enshrined in the Helsinki MoU and LoGA to deal with the legacies of a conflict in a remote province that seemed far from the main interests of national political life. Critically, the timing of the post-MoU transitional justice phase occurred when the national political class and the wider public had lost interest not only in Aceh but also in transitional justice in general.

107 On grassroots efforts, see Birgit Bräuchler (ed.), *Reconciling Indonesia: Grassroots Agency for Peace* (New York: Routledge, 2009), doi.org/10.4324/9780203876190. On regional-level reconciliation efforts, see Sri Lestari Wahyuningroem, 'Seducing for Truth and Justice: Civil Society Initiatives for the 1965 Mass Violence in Indonesia,' *Journal of Current Southeast Asian Affairs* 32, no. 3 (2013): 115–42, doi.org/10.1177/186810341303200306; Sri Lestari Wahyuningroem, 'Working from the Margins: Initiatives for Truth and Reconciliation for Victims of the 1965 Mass Violence in Solo and Palu,' in *The Indonesian Genocide of 1965: Causes, Dynamics and Legacies*, ed. Katharine McGregor, Jess Melvin and Annie Pohlman (Cham: Palgrave Macmillan, 2018), 335.

108 Wahyuningroem, 'Towards Post-Transitional Justice,' 132–37.

109 Aspinall and Zain, 'Transitional Justice Delayed,' 89.

110 Aspinall and Zain, 'Transitional Justice Delayed,' 89–90.

While these assessments are true, they cannot fully explain the fact that, eventually, civil society groups in Aceh – unlike in so many other places in Indonesia – were successful in making truth and reconciliation a reality. Despite the failure of the state to follow through on the promises made during both periods, the KKR Aceh was established and now functions as it was originally mandated to in the Helsinki MoU and LoGA. As highlighted by Gready and Simons, we need only look at the dynamism and adaptive nature of civil society groups in the Acehnese context to understand how this reality was achieved.

For nearly a decade following the signing of the Helsinki MoU, human rights groups in Aceh – with only minimal political and economic support from the regional government – along with international community bodies and the former GAM elite, worked consistently to ensure the local by-law (*Qanun*) on the truth and reconciliation commission was drafted, discussed in the local parliament and, finally, passed. As discussed in Chapter 3 by Evi Narti Zain and Galuh Wandita, a coalition of civil society groups called Koalisi Pengungkapan Kebenaran (KPK Aceh, Coalition for Truth-Telling in Aceh), was set up and played a leading role in the process, continuing to lobby and pressure the Aceh government until the commission was established and the selection of commissioners had been conducted transparently. The fact that Jakarta and the national public had lost interest in Aceh by then – and in transitional justice more generally – somewhat perversely created opportunities for civil society in Aceh to do this work more effectively.¹¹¹

The second factor that enabled civil society groups to lobby effectively for the fulfilment of transitional justice provisions made in the MoU was the local political dynamics in Aceh itself in the late 2000s and early 2010s. Former GAM elite consistently insisted on making sure Jakarta fulfilled its obligations as set down in the MoU. For Jakarta, some of the articles they had agreed to were seen as too difficult to accommodate, such as the adoption of a local flag and trials of those accused of serious human rights abuses.¹¹² The national government did accommodate some provisions that were initially thought impossible, such as the ability for local parties to contest elections (Aceh is the only province in Indonesia where this is

111 In the case of Jakarta, most thought any talk of a truth commission in Aceh had died with the national truth and reconciliation (TRC) law in 2006.

112 In Chapter 4 of this volume, Kent and Affiat elaborate on the demands for a local Aceh flag and the controversy this caused.

now allowed), but it drew the line at trials because of the potential damage they would cause to the ruling elites in both Jakarta and Aceh. As Soleman Ponto, a retired army general involved in the Indonesian negotiating team commented, a truth and reconciliation commission was considered the safest compromise that Jakarta could approve without jeopardising the peace agreed upon with GAM.¹¹³

A third factor contributed to the successful establishment of a truth and reconciliation commission in Aceh. It was the collaborative networking of civil society groups at the national and, to a lesser extent, the international level. These networks became essential support mechanisms for local groups in Aceh. As mentioned above, when transitional justice measures began failing in the early to mid-2000s, human rights groups in Jakarta had to adapt their strategies. In particular, these national-level groups chose to intensify their work at the local and regional levels, and to collaborate more closely with local groups, as in Aceh.¹¹⁴ In the ongoing work of the commission, these national and international civil society networks continue to sustain the civil society groups in Aceh.

It was the combination of these factors – the dynamism of local civil society groups, Aceh's political bargaining with Jakarta and the support of larger civil society networks – that was the key to the establishment of the KKR Aceh in Indonesia, a country where transitional justice has seemingly failed. Of these three factors, however, it is the dynamism of local civil society to which the greatest influence must be attributed. As the contributors to this volume explain, the ultimate reason for the continued existence of the KKR Aceh today is the resilience, ingenuity and courageous work of Aceh's local civil society groups.

113 Soleman Ponto, paper presented at a 'Workshop on Recommendation of Aceh Truth and Reconciliation on Reparation for Victims of Past Abuses,' Jakarta, January 2019.

114 Sri Lestari Wahyuningroem, 'Installing Justice: Civil Society and Transitional Justice in Indonesia,' in *Civil Society in the Global South*, ed. Palash Kamruzzaman (New York: Routledge, 2020), 158–75, doi.org/10.4324/9781315113579.

Conclusion: lessons learned from the KKR Aceh's first term

It was a long time coming, that first day of the KKR Aceh's initial public hearings in Banda Aceh in November 2018. Nearly a decade and a half after the ceasefire between GAM and the Indonesian state, the two women and 12 men who spoke at the first hearing testimony forum were the first in Aceh to testify publicly before a state institution mandated to uncover past violations about the abuses they had survived. What was new and remarkable about these stories, which mirrored those of thousands of other survivors, was that they were being told publicly, as part of an official process led by the very state that had been largely responsible for the violations. In this sense, the testimonies given at the November 2018 hearings broke new ground in Aceh. They constituted the first public act of truth-telling about the conflict – in fact, the first such act anywhere in Indonesia since the end of the military regime two decades earlier.

The KKR Aceh has now ended its first term. Over the last five years, the commission has recorded many more testimonies by survivors and witnesses of the human rights violations perpetrated by both the Indonesian state forces and GAM during the conflict, and held more hearing testimony forums. Working closely with a wide range of civil society groups in Aceh, and supported by national and international groups, the KKR Aceh has been undertaking its statement-taking activities with communities across the province, holding public information-sharing and other events, and compiling masses of evidence of the abuses committed during the conflict. With this evidence, the KKR Aceh commissioners and staff are now writing their final report for the 2016–21 term, synthesising these data to fulfil the first part of their mandate, which is to seek the truth of human rights abuses between 1976 and 2005. They will also continue their work to fulfil the two other core parts of their mandate: to carry out measures towards reconciliation and to ensure reparations for victims.

Digging up the past, and trying to reconcile past wrongs in Aceh, however, remains difficult and often risky work. As the authors of the following chapter will explain, the KKR Aceh is doing this work of truth-seeking and reconciliation with little support, financial or otherwise, from the government in Aceh, and with even less from the central government. They do so while managing a wide range of potential security threats to their staff and to those who take part in their activities. The commission is achieving

its mandate despite having minimal staff and a minimal budget, while former GAM combatants and the country's leaders demonstrate even less political will. Moreover, through its collaborative and inclusive approach to communities across Aceh, the KKR Aceh has won the trust and support of many in those communities, and this is likely to be its most meaningful gain towards promoting reconciliation in the years to come. There have been setbacks and challenges, as Atikah Nuraini and her colleagues explain in Chapter 5. The teams working in the KKR Aceh have had to adapt and improve their approaches along the way, but significant and meaningful truth-telling work has been done nonetheless, with very few resources and in the face of seemingly overwhelming challenges.

As this introductory chapter and other chapters in this volume emphasise, the commission is working in a context of near-total impunity for perpetrators of grievous abuses. In more ideal settings for transitional justice, the interregnum state institutes mechanisms to establish the truth of past violations, to hold perpetrators accountable for their crimes, and to try to heal communities in the aftermath of mass abuses. Despite some initial reforms immediately after the end of the military regime in 1998 that could have prepared the ground for the enactment of such measures, Indonesia's leaders have chosen a different path. In the last two decades, Indonesia's oligarchic elites have chosen not to investigate or redress past state crimes, not to reconcile communities, and not to repair or atone. Instead, they have chosen to uphold and strengthen impunity, and to empower former perpetrators, welcoming the return of authoritarian governance. In Aceh, where former combatants against the Indonesian state have made compromises for their own political and personal gains, there is little appetite for challenging the impunity of the state security services who carried out campaigns of violence and terror against their own people.

In so many ways, therefore, it was ever unlikely – indeed, many said impossible – that any transitional justice measures would actually come to pass in Aceh. To be sure, the KKR Aceh was a long time coming, and it was only through the persistent work of Aceh's civil society groups that it was finally established. Critically, it has only been through their activism and dynamism, and their ability to draw on support from national and international civil society networks, that the commission has been able to carry out its work. Yet, for a truth and reconciliation commission that many thought would never come to pass, the KKR Aceh has had significant achievements.

The remaining chapters in this volume – written by collaborative teams that include individuals from the commission and civil society activists – offer an insider's view of the work of the KKR Aceh, and critical reflections on its successes and failures to date. The following chapters also consider the ongoing challenges that the commission faces. This volume was compiled during the first term of the commission, now completed, when the truth-seeking work was well underway and the program to distribute reparations to survivors was being planned. The work of the KKR Aceh will continue, and the task of ensuring fair reparations and meaningful reconciliation in the province are challenges still to be met. Accountability for perpetrators is another. Nevertheless, the KKR Aceh continues its work, and the story of transitional justice in Aceh is far from over.

2

The KKR Aceh and transitional justice in Aceh

Jess Melvin, Indria Fernida, Sri Lestari Wahyuningroem
and Annie Pohlman

In this chapter, we explore a central challenge for all societies emerging from a recent history of mass violence: how to achieve justice for past wrongs. We examine the case of transitional justice in Aceh, almost two decades on from the 2005 peace deal that ended the 30-year conflict between the Republic of Indonesia and the Gerakan Aceh Merdeka (GAM, Free Aceh Movement), in which both sides committed atrocities against civilians.¹ According to the International Center for Transitional Justice (ICTJ), a leading global body established for the promotion of transitional justice, issues of ‘accountability and redress for victims’ are central to the concept of transitional justice.² This means that the success or otherwise of a transitional justice process can be measured by the extent to which perpetrators are held to account for their actions and victims are able to access reparations that recognise and address the harms they have suffered.

The establishment of the Aceh Truth and Reconciliation Commission (known by its Indonesian acronym, KKR Aceh, Komisi Kebenaran dan Rekonsiliasi Aceh) on 24 October 2016 was a rare victory in the ongoing battle against impunity in Indonesia. Despite its inauspicious beginnings as an apparently

1 In the introduction to this volume, the editors briefly outline the history of the conflict, the violence perpetrated, the 2005 peace agreement and subsequent relevant legislation.

2 ‘What Is Transitional Justice?’ *International Center for Transitional Justice*, ictj.org/about/transitional-justice.

last-minute addition to the 2005 Helsinki Peace Agreement, the KKR Aceh has managed to keep human rights on the agenda in postconflict Aceh. It is also providing a glimmer of hope nationally, given that President Joko Widodo (Jokowi) has repeatedly failed to implement his own promises to address past human rights violations throughout the country.³ However, this hostile political climate has affected the KKR Aceh's ability to function. Funds have been withheld, commissioners and eyewitnesses have been intimidated, plans have been scaled back and expectations managed. At the most fundamental level, the KKR Aceh has been forced to question what 'truth' and 'reconciliation' might mean in such an adverse political climate.

The official mandate and aims of the KKR Aceh can be found in legislation signed by Aceh's then governor, Zaini Abdullah, on 31 December 2013, which sets out the legal framework for the formation and operation of the commission. The KKR Aceh, this legislation explains, was 'formed to reveal the truth, pattern and motive behind the human rights violations that occurred during the armed conflict in Aceh, to recommend follow-ups and reparations, and to implement reconciliation.'⁴ In doing so, it aims to:

- strengthen peace by revealing the truth about past human rights violations
- assist with reconciliation between the perpetrators of human rights violations, both individuals and institutions, and the victims
- recommend comprehensive reparations for victims of human rights violations, according to universal standards of victims' rights.⁵

This chapter provides an assessment of the KKR Aceh's ability to achieve its mandate and aims by focusing on the work of the commission. We look first at the decade between the signing of the Helsinki Memorandum of Understanding (MoU) and the establishment of the commission (2005–15), and then at its first term in office (2016–21). We also ask whether the KKR Aceh has been successful in attaining a measure of justice for the victims

3 Egi Adyatama, 'KontraS: No Hope of Talking about Human Rights in Jokowi's Era,' *Tempo.co*, trans. Dewi Elvia Muthiariny, 27 October 2020, en.tempo.co/read/1399961/kontras-no-hope-of-talking-about-human-rights-in-jokowis-era; see also Andreas Harsono, 'Indonesia's President Jokowi Silent on Human Rights,' *Human Rights Watch*, 16 August 2016, hrw.org/news/2016/08/16/indonesias-president-jokowi-silent-human-rights-0. For an overview of Jokowi's promises during his first year in office, see 'Nawacita: 9 Program Perubahan Untuk Indonesia', Kominfo, Kementerian Komunikasi Dan Informatika Republik Indonesia, 14 August 2015, kominfo.go.id/content/detail/5484/nawacita-9-program-perubahan-untuk-indonesia/0/infografis.

4 *Qanun Aceh*, No. 17, Year 2013, Articles 1, 16.

5 *Qanun Aceh*, No. 17, Year 2013, Article 3.

and survivors of the Aceh conflict. In presenting this assessment, we adopt the United Nations (UN) Security Council's definition of 'justice' as an 'ideal of accountability and fairness in the protection and vindication of rights and prevention and punishment of wrongs',⁶ the definition adopted by the ICTJ. Meanwhile, a successful transitional justice process requires an acknowledgement that 'large-scale or systematic human rights abuses' have compromised the ability of the 'normal justice system' to respond adequately to these abuses.⁷

We argue that while the KKR Aceh is taking important steps towards achieving accountability and redress for victims and survivors of the Aceh conflict, it cannot deliver justice – at least, not yet. This is because Indonesia's justice system remains incapable of either acknowledging or responding adequately to the large-scale and systematic human rights abuses that occurred during the conflict. Despite these serious challenges, the KKR Aceh has succeeded in keeping open the possibility for future justice. While justice delayed may, indeed, be justice denied in the Indonesian context, where there is no political will for accountability, the KKR Aceh's continued work presents the best (and, probably, the only) chance victims still have of seeing their needs as victims recognised by the state. In this context, the achievements of the KKR Aceh during its first term in office are extremely significant.

Transitional injustice?

Over the past few decades, a number of key theoretical assumptions have underpinned transitional justice approaches, and these are directly relevant to the case of Aceh. They include an understanding that transitional justice is, in practice, not only contingent on, but also profoundly shaped by, the political contexts of regime change and the cessation of hostilities from which they have arisen.⁸ Similarly, it is understood that the manner in

6 United Nations Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies: Report of the Secretary-General*, 23 August 2004, S/2004/616, securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/PCS%20S%202004%20616.pdf.

7 International Center for Transitional Justice, 'What Is Transitional Justice?'

8 For a history of the development of transitional justice from the 1980s, see Marcos Zunino, *Justice Framed: A Genealogy of Transitional Justice* (Cambridge: Cambridge University Press, 2019), doi.org/10.1017/9781108693127, and Paige Arthur, 'How "Transitions" Reshaped Human Rights: A Conceptual History of Transitional Justice,' *Human Rights Quarterly* 31, no. 2 (2009): 321–67, doi.org/10.1353/hrq.0.0069. Some researchers trace the emergence of transitional justice processes to the immediate post-WWII period: see Helga Malmin Binningsbø et al., 'Armed Conflict and Post-Conflict Justice, 1946–2006: A Dataset,' *Journal of Peace Research* 49, no. 5 (2012): 731–40, doi.org/10.1177/0022343312450886.

which different transitional justice measures are implemented (such as trials, amnesties, truth commissions, reparations and postconflict socialisation programs) also helps to shape the kinds of outcomes that can consequently be hoped for.⁹

The contingent nature of transitional justice¹⁰ is particularly clear in a place such as Aceh, where both GAM and the Indonesian government have, to date, escaped any consequences for their role in perpetrating human rights abuses during the conflict. This outcome is due, in part, to the unusual political context in which the 2005 Helsinki Peace Agreement took place: namely, during the aftermath of one of the worst natural disasters in recorded history, under the spotlight of the world's media, and under pressure from a massive, multibillion-dollar, multinational humanitarian aid program that was premised on the maintenance of peace. It is also due, in part, to the broader culture of impunity that has existed in Indonesia as a whole since the fall of Suharto's authoritarian New Order regime in 1998, and which still exists today, as outlined in Chapter 1.

It was against this backdrop, on 15 August 2005, that an MoU between the Government of Indonesia and the Free Aceh Movement was signed in Helsinki, Finland. It is known as the Helsinki Peace Agreement. In the MoU, both sides 'confirm[ed] their commitment to a peaceful, comprehensive and sustainable solution in Aceh'.¹¹ As part of this agreement, GAM promised to demobilise its troops and surrender its weapons, while the government agreed to reduce its troops in Aceh and to 'grant amnesty to all persons who have participated in GAM activities as soon as possible'.¹² These amnesties were not contingent on confessions or an investigation of GAM activities during the conflict. Nor were they linked to the two main human rights provisions in the agreement: namely, for a human rights court to be established for Aceh and for a truth and reconciliation commission for Aceh to be set up by Indonesia's Komisi Nasional Hak Asasi Manusia (Komnas

9 For example, on challenges of capacity, see David Gray, 'An Excuse-Centred Approach to Transitional Justice,' *Fordham Law Review* 74, no. 5 (2006), 2621–93; in contexts of ongoing violence, see Paul Gready and Simon Robins, 'From Transitional to Transformative Justice: A New Agenda for Practice,' *International Journal of Transitional Justice* 8, no. 3 (2014): 339–61, doi.org/10.1093/ijtj/iju013; on amnesties, see Renée Jeffery, *Amnesties, Accountability, and Human Rights* (Philadelphia: University of Pennsylvania Press, 2014), doi.org/10.9783/9780812209419.

10 See also Ruti G. Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2000), 6.

11 'Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement', signed by Hamid Awaludin on behalf of the Government of the Republic of Indonesia, and Malik Mahmud on behalf of the Free Aceh Movement, Helsinki, Finland, 15 August 2005, 1, acehpeaceprocess.net/pdf/mou_final.pdf.

12 'Memorandum of Understanding,' 4.

HAM, National Human Rights Commission).¹³ Former GAM members were also given the right to join the Indonesian security forces and to form local political parties.¹⁴ And all this was agreed at a time when GAM had objectively been destroyed as an armed force: its fighters were either dead or reliant on humanitarian assistance.

While these concessions from the Indonesian government to GAM may seem remarkable, they were also strategic. By agreeing to the immediate demobilisation and disarmament of troops, the Indonesian government was signalling its support for the ongoing humanitarian aid program in Aceh, which was by then shifting out of its emergency phase and into a longer-term reconstruction phase. Meanwhile, the granting of official amnesties to former GAM fighters (discussed in the following section) and the reinstatement of full citizenship rights, without the need for confessions or investigations, meant that the government's own actions during the conflict could remain unscrutinised. The movement was thus neutralised and coopted by the Indonesian state.

Similarly, the Indonesian state has counted on the broken and corrupt nature of Indonesia's legal system to block any attempt to prosecute Indonesian security force personnel for human rights abuses during the conflict. This is because, while Indonesian security forces were not granted an official amnesty through the MoU, they have, in practice, benefited from an informal amnesty. Although it is stated in the MoU that 'all civilian crimes committed by military personnel in Aceh will be tried in civil courts in Aceh', it is implied that 'other' crimes, including crimes against humanity and war crimes, are to be tried through the Human Rights Court; however, this court is yet to be established for Aceh.¹⁵ Moreover, although the International Covenant on Civil and Political Rights, which is recognised in the MoU, states that 'any person whose rights or freedoms ... are violated', including cases in which 'the violation has been committed by persons acting in an official capacity', has the right to seek redress through 'the legal system of the state, and to develop the possibilities of judicial remedy',¹⁶ this remedy

13 'Memorandum of Understanding,' 3.

14 Nationally, local political parties are not permitted to participate in the electoral process. See Sayed Amirulkamar and Ismail Ismail, 'The Domination of the Local Party of the Aceh Parliament in Responding the Aspiration of Community [sic],' *Budapest International Research and Critics Institute (BIRCI) Journal* 2, no. 2 (2019): 150–59, doi.org/10.33258/birci.v2i2.251.

15 'Memorandum of Understanding,' 2.

16 See 'Memorandum of Understanding,' 2; also, Article 2 of the *International Covenant on Civil and Political Rights*, adopted and opened for signature, ratification and accession by the United Nations' General Assembly on 19 December 1966, enacted on 23 March 1976, ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

remains a pipe dream. There is no indication that a human rights court will be established in Aceh any time soon, while the legal system continues to shield perpetrators from prosecution.

While the Indonesian government's accommodative approach towards former GAM members may appear risky, it was a gamble that has paid off. In return for their freedom, and no doubt fearing the consequences of having their own actions scrutinised, former GAM leaders have since chosen to side with the Indonesian government to bury multiple investigations into human rights abuses during the conflict, as will be discussed below. In doing so, both the Indonesian government and GAM have chosen to forgo truth and justice in the pursuit of what long-time Aceh analyst Edward Aspinall has described as a 'predatory peace' in the province.¹⁷ This is why, as outlined in Chapter 3, Aceh's civil society has been a major force behind the establishment of the KKR Aceh. The involvement of Aceh's civil society prevents the KKR Aceh from becoming an example of what Cyanne E. Loyle and Christian Davenport have described as 'transitional injustice'.¹⁸

Restorative justice approaches and illiberal outcomes in Aceh (2005–15)

This section examines transitional justice measures adopted in Aceh in the wake of the 2005 Helsinki Peace Agreement, prior to the establishment of the KKR Aceh in 2016. First, we discuss these measures as having been predominantly restorative in nature and argue that their aims have been hijacked to produce illiberal outcomes. We then provide an assessment of how these earlier approaches have both influenced and, at times, limited the work of the KKR Aceh. These approaches have included the granting of amnesties to former GAM members and the distribution of financial assistance packages. In a third step, we examine the relationship between the KKR Aceh and other ongoing, state-led investigations into past human rights abuses in the province.

17 Edward Aspinall, 'Special Autonomy, Predatory Peace and the Resolution of the Aceh Conflict,' in *Regional Dynamics in a Decentralized Indonesia*, ed. Hal Hill (Singapore: Institute of Southeast Asian Studies, 2014), 460–81, doi.org/10.1355/9789814519175.

18 See Cyanne E. Loyle and Christian Davenport, 'Transitional Injustice: Subverting Justice in Transition and Postconflict Societies,' *Journal of Human Rights* 15, no. 1 (2016): 126–49, doi.org/10.1080/14754835.2015.1052897.

Transitional injustice and illiberal outcomes

To understand how transitional justice in Aceh has been subverted over time, we must briefly contextualise the predominantly reparative measures used in the province as part of the broader ‘toolkit’ of transitional justice mechanisms. This toolkit, developed over the past few decades, includes a range of retributive and more broadly reparative measures.¹⁹ The retributive mechanisms – particularly trials – are based on strong normative claims that individual states and the international community have affirmative obligations to investigate, prosecute and punish serious humanitarian and human rights violations.²⁰ These claims are, in turn, based on a narrative of linear evolution in the progress of new norms and new institutions to ensure accountability among the international community of states. Within this constructivist understanding, which sees the dissemination of norms as one of progression, there are key claims for preferencing (retributive) judicial approaches to dealing with past wrongs.²¹

Yet, whatever the moral and normative appeal of judicial and retributive approaches to dealing with the past, they have never been, and never can be, the only form of responding to past atrocities, as many observers have pointed out.²² As almost all proponents of transitional justice would acknowledge, criminal justice responses will always be partial, and a broader

19 The ‘toolkit’ refers broadly to various strategies and policies developed by UN bodies for transitional justice settings, such as in: UN Security Council, *Rule of Law*; Office of the High Commissioner for Human Rights, *Rule-of-Law Tools for Post-conflict States: Vetting: An Operational Framework* (New York and Geneva: OHCHR, 2006), ohchr.org/en/publications/policy-and-methodological-publications/rule-law-tools-post-conflict-states-vetting.

20 See Diane F. Orentlicher, ‘Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime,’ *The Yale Law Journal* 100, no. 8 (1991): 2537–615, doi.org/10.2307/796903. On the norm-building argument, see, for example, the work of Larry May, such as *Crimes against Humanity: A Normative Account* (New York: Cambridge University Press, 2005), doi.org/10.1017/CBO9780511607110, and *Genocide: A Normative Account* (New York: Cambridge University Press, 2010). On the ‘euphoria’ that came with the establishment of the ICC among proponents of criminal trials in post-atrocity contexts, see Payam Akhavan, ‘The International Criminal Court in Context: Mediating the Global and Local in the Age of Accountability,’ *The American Journal of International Law* 97, no. 3 (2003): 712–21, doi.org/10.2307/3109871.

21 For example, one of the key arguments of Kathryn Sikkink’s ‘justice cascade’ is that normative socialisation will push recalcitrant governments to deal with past violations. See Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics* (New York: W.W. Norton and Co., 2011). On trials and the deterrence argument, see Sikkink, *The Justice Cascade*, 169–88. On consequentialist arguments, see Jack Snyder and Leslie Vinjamuri, ‘Principled Pragmatism and the Logic of Consequences,’ *International Theory* 4, no. 3 (2012): 434–48, doi.org/10.1017/S1752971912000140.

22 See, for example, Diane F. Orentlicher, ‘“Settling Accounts” Revisited: Reconciling Global Norms with Local Agency,’ *International Journal of Transitional Justice* 1, no. 1 (2007): 18, doi.org/10.1093/ijtj/ijm010.

range of responses to dealing with past repressive regimes and conflicts is needed.²³ Indeed, there is widespread acknowledgement that retributive justice responses can never match the need.²⁴ Instead, the emergence of transitional justice since the latter part of the twentieth century has seen a strong shift towards reparative approaches.

Unlike a retributive justice approach, which involves a judicial process and criminal sanctions upon individuals,²⁵ restorative justice is, at its core:

a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future.²⁶

In transitional justice contexts, restorative approaches to dealing with past wrongs have tended towards truth commissions or other commissions of inquiry, and truth-telling forums; programs to promote reconciliation within communities; amnesties; reparation processes, both monetary and symbolic, such as by way of memorialisation and commemoration; lustration; and reforms intended to guarantee the nonrepetition of violations, such as security sector reforms, or to educate about the harms of the past, such as education reforms and curriculum changes.²⁷ Each of these measures can play a restitutive role in dealing with past wrongs, and indeed, there are

23 For example, see Mark A. Drumbl, 'Collective Violence and Individual Punishment: The Criminality of Mass Atrocity,' *Northwestern University Law Review* 99, no. 2 (2005): 539–610, scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1035&context=wlufac.

24 For example, see Martha Minow, 'Do Alternative Justice Mechanisms Deserve Recognition in International Criminal Law?: Truth Commissions, Amnesties, and Complementarity at the International Criminal Court,' *Harvard International Law Journal* 60, no. 1 (2019): 1–45, harvardilj.org/wp-content/uploads/sites/15/HILJ_601_1_Minow.pdf; Aleksandar Maršavelski and John Braithwaite, 'Transitional Justice Cascades,' *Cornell International Law Journal* 53, no. 2 (2020): 207–60, doi.org/10.2139/ssrn.3380304.

25 On the merits of a retributive approach in transitional justice, see, for example, Patrick Lenta, 'Transitional Justice and Retributive Justice,' *Ethical Theory and Moral Practice* 22, no. 2 (2019): 384–98, doi.org/10.1007/s10677-019-09991-9.

26 Tony Marshall, cited in John Braithwaite, 'Restorative Justice: Assessing Optimistic and Pessimistic Accounts,' *Crime and Justice* 25 (1999): 5, doi.org/10.1086/449287.

27 These measures have drawn criticism – for example: 1) because they can fall short of their claim to be 'victim-centred' (see Simon Robins, 'Failing Victims? The Limits of Transitional Justice in Addressing the Needs of Victims of Violations,' *Human Rights and International Legal Discourse* 11, no. 1 (2017): 41–58, eprints.whiterose.ac.uk/122438/1/Robins_Failing_victims_The_limits_of_transitional_justice.pdf); 2) their impacts vary, depending on the context in which they are applied (see Kerry Clamp and Johnathan Doak, 'More than Words: Restorative Justice Concepts in Transitional Justice Settings,' *International Criminal Law Review* 12, no. 3 (2012): 339–60, doi.org/10.1163/157181212X648824); 3) with respect to reparations and some of the moral claims underpinning them (see Ernesto Verdeja, 'A Critical Theory of Reparative Justice,' *Constellations* 15, no. 2 (2008): 208–22, doi.org/10.1111/j.1467-8675.2008.00485.x).

strong paradigmatic overlaps between restorative justice and transitional justice, both in terms of their underpinning values, goals and frameworks.²⁸ Especially for those grappling with weak transitions, poor political or institutional will and capacity, or the possibility of revanchist violence, the reparative approach seems to provide a convincing, realistic strategy towards achieving transitional justice ends without the perceived destabilising risks associated with retributive means.²⁹

Separately and in concert, these restorative approaches are, therefore, seen as providing a wider and more comprehensive range of measures than retributive measures (or retributive measures alone), bridging the gap between the backward-looking need to deal with past wrongs and the forward-looking peacebuilding aims of the transition.

In cases such as Aceh, however, there is a sharp disconnect between the aims of the transitional justice mechanisms proposed on paper and the implementation of these mechanisms, leading even to their subversion. As Jelena Subotić has shown in her examination of transitional justice measures in the Balkans, it is all too easy for traditional justice mechanisms – in both their design and their implementation – to be ‘hijacked’ for local, nondemocratic objectives.³⁰ In this sense, the progress of transitional justice in Aceh to date does not match what might be seen as ‘paradigmatic’ transitions, with a linear transition from the old (undemocratic) repressive regime to a (stable, democratic) regime that respects the rule of law and upholds the rights of citizens.³¹

Instead, the case of Aceh forces us to confront two questions. What happens to the normatively positive potential of transitional justice when its mechanisms are all but completely hollowed out? What happens when the transitional justice approaches that are implemented mean there will probably be no justice, only partial truth and barely the promise of accountability?

28 Clamp and Doak, ‘More than Words,’ 340–42.

29 Research into the sequencing of these measures, however, shows how critical it is to include retributive measures from the beginning. See Alexander Dukalskis, ‘Interactions in Transition: How Truth Commissions and Trials Complement or Constrain Each Other,’ *International Studies Review* 13, no. 3 (2011): 432–51, doi.org/10.1111/j.1468-2486.2011.01014.x.

30 Jelena Subotić, *Hijacked Justice: Dealing with the Past in the Balkans* (Ithaca: Cornell University Press, 2009).

31 See Fionnuala Ní Aoláin and Colm Campbell, ‘The Paradox of Transition in Conflicted Democracies,’ *Human Rights Quarterly* 27, no. 1 (2005): 172–213, doi.org/10.1353/hrq.2005.0001.

When the few restorative measures adopted in Aceh have been, in most cases, not just undermined by a lack of capacity and support, but also subverted by domestic political agendas, there is a case to be made that transitional justice mechanisms in the province are, in fact, producing transitional injustice, to use Loyle and Davenport's term. For Loyle and Davenport, rather than the toolkit mechanisms enabling the transition from conflict or authoritarianism to a more (liberal-democratic) regime based on the rule of law, transitional injustice 'occurs when the justice process is used to strengthen and legitimate an authoritarian regime'.³² Or, as Rebecca Gidley in her analysis of the ECCC in Cambodia shows,³³ transitional justice mechanisms can be used by repressive governments that have no intention of transitioning towards liberal democracy because of their own political agendas.³⁴ As Gidley demonstrates, whatever the liberal-democratic, normative assumptions are that underpin transitional mechanisms – even, in this case, a major UN-sponsored hybrid trial – they may be used to illiberal ends, becoming 'transitional justice mechanisms which on the surface resemble liberal transitional justice but which embody none of the underlying values or expectations'.³⁵

We now turn to examples of how reparative justice measures used in Aceh – amnesties and financial assistance packages – have been subverted to undermine transitional justice efforts in the province.

Amnesties

The first, and main, restorative mechanism used in Aceh since the 2005 Helsinki Peace Agreement was amnesties. Following the signing of the peace agreement, the granting of amnesties to former GAM fighters was the first policy to be implemented as part of the demobilisation, disarmament and reintegration process that was implemented in the province.³⁶ As discussed

32 Loyle and Davenport, 'Transitional Injustice,' 133. In Chapter 3 of this volume, Zain and Wandita address the normative assumption that transitional justice mechanisms aim to create new, liberal, democratic regimes.

33 ECCC stands for the Extraordinary Chambers in the Courts of Cambodia, the hybrid Cambodian–United Nations (UN) trials of former Democratic Kampuchea regime leaders.

34 Rebecca Gidley, *Illiberal Transitional Justice and the Extraordinary Chambers in the Courts of Cambodia* (Cham: Palgrave Macmillan, 2019), doi.org/10.1007/978-3-030-04783-2.

35 Gidley, *Illiberal Transitional Justice*, 214–15.

36 For a critique of amnesties and the 'disarmament, demobilisation, and reintegration' (DDR) process, see Harison Citrawan, 'The Promise of Reconciliation: The Limits of Amnesty Law in Post-conflict Aceh,' (Working Paper, Shape SEA Strengthening Human Rights and Peace Research and Education in ASEAN/Southeast Asia Research Project, June 2019), shapesea.com/wp-content/uploads/2019/07/2-Harison.Academic-Paper.edited.FINAL_-1.pdf.

above, this approach prioritised political stability over justice for past wrongs and was the product of a retreat from earlier commitments at the local, national and international levels to address Indonesia's culture of impunity.³⁷ Looking back at this prioritisation, Renée Jeffery argues that amnesty was the most important factor in determining the sustainability of peace and democracy in Aceh. Without this amnesty, Jeffery explains, peace may not have been achieved (or lasted long), and the implementation of local democracy through *pemilihan kepala daerah* (Pilkada, local elections to elect regional councils) and other mechanisms would also have been unlikely to take place in the relatively smooth manner that they have. Jeffery acknowledges, however, that while there were gains made by providing those initial amnesties, they also came at a cost: primarily, the slow pace of implementing the other transitional justice mechanisms in the peace agreement.³⁸ As Jiwon Suh contests, however, the Indonesian delegation also prioritised amnesties (and financial assistance) for former GAM fighters in the peace deal as a deliberate 'pre-emptive' tactic to forestall 'less palatable measures' such as the possibility of an international court.³⁹

Thus, although the transitional justice approach taken in Aceh through the 2005 peace agreement was one that provided for a range of measures from the transitional justice toolkit, both retributive (a human rights court) and reparative (a truth and reconciliation commission, TRC), only some have been actively supported and deployed. Later in this chapter we will revisit the issue of the human rights court, promised in the peace agreement, which has yet to be established. Meanwhile, as Evi Narti Zain and Galuh Wandita show in Chapter 3 of this volume, in the decade following the peace deal, most commentators wrote off the possibility that the KKR Aceh would ever be formed. Indeed, were it not for the persistent work of civil society in Aceh, the KKR Aceh would probably never have become a reality.

While the official amnesties given to thousands who 'participated in GAM activities' may have ensured peace after 2005 – in conjunction with the billions of dollars of emergency humanitarian assistance and reconstruction funds promised to the Indonesian government if it could keep security in the

37 Jiwon Suh, 'Preemptive Transitional Justice Policies in Aceh, Indonesia,' *Southeast Asian Studies* 4, no. 1 (2015): 95–124, doi.org/10.20495/seas.4.1_95; Renée Jeffery, 'Amnesty and Accountability: The Price of Peace in Aceh, Indonesia,' *International Journal of Transitional Justice* 6, no. 1 (2012): 60–82, doi.org/10.1093/ijtj/ijr027. Jeffery goes into further detail about the specific provisions of the amnesties and the release of political prisoners; for example, into the question of whether all GAM prisoners should be considered political prisoners – see pp. 72–74.

38 Jeffery, 'Amnesty and Accountability,' 60–82.

39 Suh, 'Preemptive Transitional Justice,' 103.

province 'under control' – they have not, as Harison Citrawan has argued, brought about the broader reconciliation aims originally sought through the peace deal negotiations.⁴⁰ Amnesties, when used in conjunction with other measures and mechanisms from the transitional justice toolkit, can be an effective tool in bringing an end to civil conflicts.⁴¹ Used on their own, or well in advance of other measures, however, the merits of amnesties may not warrant their costs. We would argue that the costs of these amnesties, granted at the very start of the transitional justice process, have been high, and that they continue to have a negative impact on the work of the KKR Aceh.

To explain these costs, we turn to one major and enduring criticism of truth and reconciliation commissions, which is that they trade justice for truth; or at least, this was the criticism levelled prior to the establishment of the landmark South African Truth and Reconciliation Commission (SATRC) in 1992, at which amnesty for political crimes committed during the apartheid period was granted on condition of full disclosure of those crimes.⁴² Seen as a 'third way' between competing aims for justice and truth, offering (conditional) amnesties in exchange for truth-telling was viewed as a productive way to obtain truth as an 'instrument of justice'.⁴³

While this process unquestionably brought many perpetrators forward to the SATRC, in which they provided details of human rights abuses that might not otherwise have been revealed, there were flaws in this system. Reflecting on the South African example, Attwell and Harlow write:

Through public testimonies of human rights violations, the [SA]TRC ... has sought to promote reconciliation by providing reparations to the victims and amnesty to the perpetrators. As such, it seeks to entrench a new public morality, one that was made possible by a negotiated settlement, by compromise. But this project has its flaws. For one thing, it makes no provision for natural justice; forgiveness

40 On the 'surrender and amnesty' compromises of the negotiations, see Citrawan, 'Promise of Reconciliation,' 4–7.

41 Jeffery, for example, goes into detail about the roles that amnesties can play in the transitional justice process: see Renée Jeffery, *Negotiating Peace: Amnesties, Justice and Human Rights* (Cambridge: Cambridge University Press, 2021), 35–71, doi.org/10.1017/9781108937184.

42 Not all perpetrators were granted amnesty; there were criminal trials that ran parallel to the TRC process, and a series of post-TRC prosecutions. See Ole Bubenzer, *Post-TRC Prosecutions in South Africa: Accountability for Political Crimes after the Truth and Reconciliation Commission's Amnesty Process* (Leiden: Martinus Nijhoff, 2009), doi.org/10.1163/ej.9789004177031.i-260.

43 See Renée Jeffery and Hun Joon Kim, 'Introduction: New Horizons: Transitional Justice in the Asia-Pacific,' in *Transitional Justice in the Asia-Pacific*, ed. Renée Jeffery and Hun Joon Kim (Cambridge: Cambridge University Press, 2013), 14, doi.org/10.1017/CBO9781139628914.

in the name of peace has been elevated above justice in the name of principle. For the good of the nation, victims have often been obliged to accept a moral and material settlement that is less than satisfactory. For another thing, by emphasising the individual acts of abuse, it has tended to obscure the systematically abusive social engineering that was apartheid.⁴⁴

These and other criticisms made of the SATRC are valid, but the key issue, as relates to the case of Aceh, is that amnesties were only granted through a contemporaneous process of truth-telling; perpetrators were required to reveal their crimes in exchange for amnesty, in the hope that this truth would assist victims in uncovering what had happened to their loved ones and, ideally, facilitate reconciliation more broadly.⁴⁵ In Aceh, however, the amnesties granted to GAM members came well ahead of the truth-telling processes of the KKR Aceh. Meanwhile, the unofficial amnesties enjoyed by Indonesian security force personnel follow half a century of impunity for state-sponsored violence in the country.⁴⁶ Thus, it was never a matter of truth ‘in exchange’ for amnesty, or even of simply prioritising truth over justice, because any truth or justice that may have been ‘bought’ by providing amnesties was sacrificed in the initial peace deal.

Unlike the South African case, in which there was a clear incentive for perpetrators to come forward to assist in revealing the truth about past crimes, in Aceh that incentive was removed before any other transitional justice measure was enacted.⁴⁷ Thus, when we reflect on the transitional justice approach adopted in Aceh during the early postconflict period, we would argue that a very heavy price was paid to ensure peace. That price was not simply a delay in the enactment of other transitional justice mechanisms; rather, these amnesties undercut and forestalled one of the key potential functions of the KKR Aceh: the ability to uncover the truth of past wrongs in the province.

44 David Attwell and Barbara Harlow, ‘Introduction: South African Fiction after Apartheid,’ *Modern Fiction Studies* 46, no. 1 (2000): 2, doi.org/10.1353/mfs.2000.0006.

45 On the motivations for designing the South African model, see Desmond Tutu, *No Future without Forgiveness* (New York: Doubleday, 1999).

46 For an overview of this pattern of impunity, see Chapter 1 of this volume.

47 As Jeffery explains, in Timor Leste, an amnesty provision was included in its transitional justice mechanisms, one that should have provided amnesty only to those who committed ‘low level’ crimes, while referring more serious offenders to the Serious Crimes Process. Due to a lack of support (political and financial), however, the overwhelming majority of serious offences were never brought to trial. See Renée Jeffery, ‘Trading Amnesty for Impunity in Timor-Leste,’ *Conflict, Security and Development* 16, no. 1 (2016): 33–51, doi.org/10.1080/14678802.2016.1136139.

Financial assistance

The second restorative mechanism used in Aceh since 2005 has been the distribution of financial assistance to former GAM fighters. The MoU stipulated that a 'Reintegration Fund' would be established 'under the administration of the authorities of Aceh'.⁴⁸ The aim of this fund was to provide financial assistance to 'persons who ... participated in GAM activities to facilitate their reintegration into civil society'.⁴⁹ The Badan Reintegrasi Aceh (BRA, Aceh Reintegration Agency) was established in February 2006 for this purpose. At that time, the central government provided 'substantial sums' to the BRA to design and implement a multistage program to distribute payments to individuals affected by the conflict.⁵⁰ In 2006 alone, the central government is believed to have allocated US\$22.9 million from the national budget to the BRA and its programs.⁵¹ This money was given primarily to former combatants.

During the first stage of the BRA's operations, payments were made to former GAM combatants (approximately US\$3,000 per fighter), political prisoners (US\$1,400) and members of antiseparatist militia groups (US\$1,400).⁵² Meanwhile, in April 2006, a second stage of the program was launched, aimed specifically at providing assistance to civilians affected by the conflict. Three months later, this second stage of the program was abruptly cancelled when the BRA announced it was incapable of processing the flood of almost 50,000 requests for assistance it had received in this time, covering approximately 600,000 people.⁵³ This cancellation led to disillusionment and anger in victim communities. Many junior ex-combatants also felt 'cheated' because they believed BRA funds were being 'privately consumed by ... GAM elites'.⁵⁴

48 'Memorandum of Understanding,' 3.

49 'Memorandum of Understanding,' 3.

50 Patrick Barron et al., 'Community-Based Reintegration in Aceh: Assessing the Impacts of BRA-KDP,' *Indonesian Social Development Papers*, The World Bank, Jakarta, December 2009, 2, documents1.worldbank.org/curated/en/867071468040487535/pdf/537140NWP0ISDP10Box345623B01PUBLIC1.pdf.

51 Office of the United Nations Recovery Coordinator for Aceh and Nias, *Indonesia: Humanitarian and Recovery Update – Aceh and Nias*, May 2006, reliefweb.int/sites/reliefweb.int/files/resources/F170DF61A75ABF73C12571930045DF0C-unorc-idn-31may.pdf.

52 Blair Palmer, 'The Price of Peace,' *Inside Indonesia* 90 (Oct–Dec 2007): 1, insideindonesia.org/the-price-of-peace.

53 Palmer, 'Price of Peace,' 1.

54 Edward Aspinall, 'Combatants to Contractors: The Political Economy of Peace in Aceh,' *Indonesia* 87 (2009): 13.

This allegation was not unfounded. Aspinall has proposed that many former GAM leaders were more interested in self-enrichment than in socially oriented goals.⁵⁵ Moreover, from June 2006, the body was purged of anti-GAM elements.⁵⁶ The BRA became a slush fund used by GAM elites, who eventually controlled the body, to buy flashy new cars and large houses for themselves. Funds were also allegedly used to support GAM's postconflict political goals.

Yet, despite this criticism, the BRA was entrusted with a new program established in collaboration with the government-run Kecamatan Development Program (KDP) to deliver economic assistance to conflict-affected villages.⁵⁷ This new program received approximately US\$21.7 million in funding from the World Bank.⁵⁸ Between August 2006 and 2007, the BRA-KDP distributed block grants to 1,724 conflict-affected villages, approximately one-third of the total number of affected villages in Aceh.⁵⁹ These grants – the majority of which were used for economic activities, such as the purchase of seeds and livestock (87 per cent), and infrastructure projects (10 per cent), with only 1 per cent used for education and health⁶⁰ – were not aimed specifically at individual victims. It was later reported by the World Bank that '[w]ithin villages, conflict victims were no more likely than nonvictims to receive benefits'.⁶¹ In 2016, when the KKR Aceh began its first term, the reparation-related needs of individual victims of civilian conflict, and of their families, still remained unaddressed.⁶² Indeed, while this approach may have successfully 'bought-off' GAM's leadership, it has left conflict victims and their families worse off, due to the misconception that they have already received financial assistance through the BRA.

55 Aspinall, 'Political Economy of Peace,' 13.

56 Leena M. Avonius, 'Reintegration: BRA's Roles in the Past and its Future Visions,' (Working Paper, Crisis Management Initiative, Helsinki, 2011), acehpeaceprocess.net/pdf/avonius.pdf.

57 Herlambang P. Wiratraman et al., 'Merumuskan Kebijakan Negara dalam Rangka Menindaklanjuti Rekomendasi KKR Aceh: Reparasi Korban dan Perubahan Kebijakan,' (Policy Brief, KontraS and KKR Aceh, Jakarta, 23 January 2020), 3, herlambangperdana.files.wordpress.com/2020/01/brief-kkr-aceh-20-jan-2020.pdf.

58 Barron et al., 'Community-Based Reintegration.'

59 Barron et al., 'Community-Based Reintegration,' ii.

60 Wiratraman et al., 'Merumuskan Kebijakan Negara,' 6.

61 Barron et al., 'Community-Based Reintegration,' iii.

62 For a detailed discussion of the issues at stake, see Wiratraman et al., 'Merumuskan Kebijakan Negara.'

A third program, the *diyat* scheme, was also administered by the BRA. The term *diyat* comes from an Islamic-based system of compensation that provides for the descendants and families of those killed or lost in conflict. This program was originally run in 2002 by the Indonesian government and was a payment of between 2 million and 4 million Indonesian rupiah (approximately US\$135 and US\$260), paid directly to the family of a victim of the conflict.⁶³ In 2005, the Department of Social Affairs took over the program, which was then taken over by the BRA. The BRA continued to administer these payments until the money ran out in 2009. Throughout this period, the BRA estimated that it paid *diyat* funds to more than 29,000 family members.⁶⁴

As with the other financial assistance packages distributed by the BRA, the *diyat* payments were irregularly distributed. Although the most widely disbursed of the schemes, it was run by local government officers, who often made highly subjective decisions as to who had suffered losses and, therefore, who would receive the funds. Critics of the program also pointed out that, unlike in classical Islamic jurisprudence, in which the payment of *diyat* is a form of restorative justice made by a killer to the family of the victim, the identities of perpetrators of crimes were never recorded as part of the process. Worse, as Aspinall notes, the 'instigators of the program suggest that where individuals have accepted *diyat*, this implies that they have already forgiven the perpetrators and will not pursue future legal remedies'.⁶⁵ For many in the human rights community and civil society more broadly in Aceh, the *diyat* payments have only worked to strengthen impunity, the payments being a form of compensation, but without any acknowledgement of harms done and no promise of justice.⁶⁶

63 Ross Clarke, Galuh Wandita and Samsidar, *Considering Victims: The Aceh Peace Process from a Transitional Justice Perspective*, Occasional Paper Series (Jakarta: International Center for Transitional Justice, 2008), 16, ictj-Indonesia-Aceh-Process-2008-English.pdf. For a discussion of the *diyat* compensation system in Aceh, see Munawarsyah, Januddin and Muhammad Jafar, 'Juridical Analysis of the Amount of Diyat toward Armed Conflict Victims in Aceh,' *Budapest International Research and Critics Institute (BIRCI) Journal* 1, no. 4 (2018): 104–13, doi.org/10.33258/birci.v1i4.99; and Cameron Noble et al., *Multi-Stakeholder Review of Post-conflict Programming in Aceh: Identifying the Foundations for Sustainable Peace and Development in Aceh* (Jakarta: World Bank, 2009), documents1.worldbank.org/curated/en/716601468259763959/pdf/556030WP0v20Bo110Report0MSR0English.pdf.

64 Suh, 'Preemptive Transitional Justice,' 117–18. See also Edward Aspinall, *Peace without Justice? The Helsinki Peace Process in Aceh* (Report of the Centre for Humanitarian Dialogue, April 2008), 25–26, hdcentre.org/wp-content/uploads/2016/08/56JusticeAcehfinalrevJUNE08-May-2008.pdf.

65 Aspinall, *Peace without Justice?*, 26.

66 Aspinall, *Peace without Justice?*, 26.

Investigations into human rights abuses

Prior to the establishment of the KKR Aceh in 2016, there were numerous other ongoing state-led investigations into past human rights abuses in the province. Since the fall of Suharto's New Order regime, and the subsequent end of the Daerah Operasi Militer (DOM, Military Operations Zone) period in Aceh in August 1998, there have been 'a range of fact-finding investigations' into historic cases of human rights abuses in the province.⁶⁷ However, as Amnesty International has observed, these investigations have often 'lacked transparency'.⁶⁸ This is especially the case when trials have been pursued through military or joint military-civilian courts, known in Indonesia as the *pengadilan koneksitas*.⁶⁹ While two of these trials received considerable public attention – the trial for the killing of religious leader Teungku Bantaqiah and his pupils in 2000, and a trial for sexual violence against four women in 2003 – their ultimate outcome remains unknown. Consequently, we will focus here on the relationship between the KKR Aceh and Komnas HAM, which continues to be involved in a number of ongoing inquiries into cases of historic human rights abuses in Aceh.

At the national level, cases of human rights violations are supposed to be prosecuted before a human rights court. In 1999, Indonesia enacted a new Law on Human Rights, through which universal human rights norms were adopted and the roles of Komnas HAM strengthened.⁷⁰ Later, in 2000, the parliament also passed a bill to establish a human rights court to deal with cases of serious human rights violations. Under the retroactivity principle, cases of human rights abuses that have occurred since the commencement of the law can be prosecuted through the new court, while those cases that happened before the enactment of the law may only be prosecuted in an ad hoc human rights court.⁷¹ Under this law, there are clear roles for Komnas HAM and the attorney-general. It is the role of Komnas HAM to conduct an initial (*pro justitia*) investigation into the alleged abuses to determine

67 Amnesty International, *Time to Face the Past: Justice for Past Abuses in Indonesia's Aceh Province* (London: Amnesty International, 18 April 2013), ASA 21/001/2013, 33, [amnesty.org/download/Documents/12000/asa210012013en.pdf](https://www.amnesty.org/download/Documents/12000/asa210012013en.pdf).

68 Amnesty International, *Time to Face the Past*, 33.

69 The procedures and mechanisms for such trials are regulated in the Criminal Law (KUHP), Articles 89 to 94.

70 See Law of the Republic of Indonesia, No. 39 (1999) On Human Rights, article 75.

71 On this law and these processes, see Jeff Herbert, 'The Legal Framework on Human Rights,' in *Indonesia: Law and Society*, 2nd ed., ed. Timothy Lindsey (Sydney: The Federation Press, 2008), 454–67.

whether sufficient evidence exists to warrant a full legal investigation. If such evidence is found, it is the role of the attorney-general to carry out criminal investigations and prosecutions.⁷²

From 2002 to the present, Komnas HAM has established ad hoc *pro justitia* inquiries for 12 cases of alleged crimes against humanity, which have included three cases of alleged gross violations of human rights in Aceh: Rumah Geudong (1989–98), Simpang KKA (1999)⁷³ and Jambo Keupok (2003).⁷⁴ As a result of these initial inquiries, Komnas HAM recommended criminal investigations and prosecution, but the Attorney-General's Office (AGO) has refused to undertake further investigations, claiming that the files submitted were administratively incomplete and that insufficient evidence was provided, claims refuted by Komnas HAM.⁷⁵

There has been debate in legal circles in Indonesia over whether the legal investigative work of Komnas HAM in Aceh might be supplanted or reduced by the KKR Aceh. However, Herlambang Wiratraman and colleagues argue that both institutions are distinct in at least three aspects. First, each institution has its own distinct legal basis; second, each institution operates in its own jurisdiction; and third, each institution has its own distinct mandate.⁷⁶ It is Komnas HAM's duty to carry out preliminary *pro justitia* investigations, based on Indonesia's national Human Rights Court Law (Law No. 26 of 2000). In so doing, it adopts a traditional adversarial legal approach aimed at prosecuting perpetrators of human rights abuses. Meanwhile, the KKR Aceh's duty is to conduct a nonjudicial investigation into human rights abuses during the Aceh conflict based on the 2005 Helsinki Peace Agreement, which was formalised through Law 11/2006, the provincial-level Law on the Governance of Aceh (LoGA).⁷⁷ In so doing, it has adopted a nonlegal and nonadversarial 'victim-based approach' that is intended to facilitate reconciliation between victims and perpetrators.

72 In practice, the attorney-general has consistently refused to accept Komnas HAM's recommendations for a number of key historical human rights cases, citing 'insufficient evidence', despite overwhelming evidence to the contrary.

73 Simpang KKA stands for Simpang Kertas Kraft Aceh (Aceh Kraft Paper [mill] Junction).

74 For a discussion of these cases, see Chapter 8 of this volume.

75 Asia Justice and Rights (AJAR) and KontraS Aceh [Komisi untuk Orang Hilang dan Korban Kekerasan, Commission for the Disappeared and Victims of Violence], *Transitional Justice: Indonesia Case Study* (Banda Aceh: AJAR and KontraS Aceh, 2017), 8, asia-ajar.org/resources/policy-papers/transitional-justice-indonesia-case-study/.

76 Herlambang P. Wiratraman et al., 'Taking Policy Seriously: What Should Indonesian Government Do to Strengthen Aceh Truth and Reconciliation Commission?' *PETITA: Jurnal Kajian Ilmu Hukum dan Syariah* 5, no. 1 (2020): 14–32, doi.org/10.22373/petita.v5i1.93.

77 *Qanun Aceh*, No. 17, Year 2013.

The coexistence of Indonesia's national Human Rights Court and the Aceh-based KKR Aceh is in line with the vision of the United Nations (UN) Human Rights Council for adopting a multilayered approach to the protection of international human rights.⁷⁸ On 25 September 2017, Komnas HAM and the KKR Aceh signed an MoU 'Concerning the Implementation of Duties and Functions in the Field of Advancement and Enforcement of Human Rights'.⁷⁹ As its title implies, the MoU formalised the distinct but mutually enforcing roles of the two organisations in their investigations into human rights abuses during the Aceh conflict, with particular attention to work related to education, and to the monitoring and mediation of human rights.⁸⁰

There remains, however, an area of uncertainty. The MoU makes an important distinction between 'gross human rights abuses' and 'non-gross human rights abuses'. According to Indonesia's human rights law (No. 26 of 2000), gross human rights abuses relate to cases that can be characterised as 'crimes against humanity'. Non-gross human rights abuses relate to cases that do not reach this threshold.⁸¹ According to the MoU between Komnas HAM and the KKR Aceh, gross human rights abuses should be investigated by Komnas HAM, while non-gross human rights abuses may be investigated by the KKR Aceh. Yet, how this distinction should be made in the case of the Aceh conflict is far from clear. The majority of the victim testimonies collected by the KKR Aceh to date arguably relate to systematic or widespread gross human rights abuses (crimes against humanity), including murder, forcible displacement, unlawful imprisonment, torture,

78 See, for example, United Nations, Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice, March 2010, digitallibrary.un.org/record/682111?ln=en.

79 Komisi Nasional Hak Asasi Manusia (Komnas HAM) and Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh), *Kesepahaman Bersama antara Komisi Nasional Hak Asasi Manusia (Komnas HAM) dengan Komisi Kebenaran dan Rekonsiliasi (KKR) Aceh tentang Pelaksanaan Tugas dan Fungsi dalam Bidang Pemajuan dan Penegakan Hak Asasi Manusia*, signed by Nur Kholis (Komnas HAM) and Afridal Darmi (KKR Aceh), Banda Aceh, 25 September 2017, komnasham.go.id/files/20170925-nota-kesepahaman-komnas-ham-komisi-SG2Q.pdf. See also Wiratraman et al., 'Merumuskan Kebijakan Negara,' 3.

80 Komnas HAM and KKR Aceh, *Kesepahaman Bersama*, 3.

81 The distinction between gross and non-gross human rights violations relates to Indonesia's recognition of only two forms of international crimes: genocide and crimes against humanity. For a discussion on this distinction, and on the fact that other international crimes (particularly war crimes) are (not) dealt with under Indonesian domestic law and treaty participation, see Suzannah Linton, 'International Humanitarian Law in Indonesia,' in *Asia-Pacific Perspectives on International Humanitarian Law*, ed. Suzannah Linton, Tim McCormack and Sandesh Sivakumaran (Cambridge: Cambridge University Press, 2019), 506–37, doi.org/10.1017/9781108667203.030.

sexual violence and forced disappearances.⁸² If the KKR Aceh is meant to pass such cases on to Komnas HAM, does this mean the KKR Aceh cannot conduct reconciliation between the victims and perpetrators of such crimes? The resolution of this question will have far-ranging consequences for the activities of both organisations.

If a territorial approach is adopted and the two organisations fail to cooperate, the work of both groups will be impeded. This is because the biggest hurdle faced by both organisations is, arguably, the lack of political will to address Indonesia's culture of impunity at the national and provincial level. Unless Komnas HAM and the KKR Aceh are able to work together to break through this impasse, it is likely that Komnas HAM will continue to have its recommendations for a full legal investigation blocked by the attorney-general, while the KKR Aceh will be restricted to supporting a shallow reconciliation, in which the serious and systematic nature of these crimes is never acknowledged and, thus, neither truth nor accountability can ever be achieved.

Komnas HAM and the KKR Aceh are currently finding ways to cooperate. The KKR Aceh, for example, is planning to share its victim testimonies with Komnas HAM, which in turn is working to verify these testimonies to provide individual victims with written certification of their status as conflict victims.⁸³ This certification can then be used by the KKR Aceh to advocate for the practical needs of these victims, including access to health care, economic support and social assistance. Such cooperation would signal a breakthrough nationally in Indonesia for both the treatment of human rights victims and the implementation of Indonesia's human rights law. Indeed, this cooperation has the potential to place renewed pressure on the attorney-general to accept Komnas HAM's findings. Such an outcome would be a major victory for human rights activists in Aceh and for Indonesia's Reformasi movement as a whole.

82 These acts constitute 'crimes against humanity' when they are 'committed as part of a widespread or systematic attack directed against any civilian population' (*Undang-Undang Republik Indonesia no. 26 of 2000*, Article 9. dpr.go.id/dokjdih/document/uu/UU_2000_26.pdf). See also International Criminal Court, *Rome Statute of the International Criminal Court*, Article 7, 3, icc-cpi.int/resource-library/Documents/RS-Eng.pdf.

83 Interview with Beka Ulung Hapsara, a commissioner of Komnas HAM, Jakarta, 21 August 2019.

The KKR Aceh's first term in office (2016–21)

We now return to the question of whether the KKR Aceh has fulfilled its mandate and aims during its first term in office. We examine how the KKR Aceh has approached its three main tasks in practice, these being to investigate and document past human rights abuses, assist with reconciliation and recommend comprehensive reparations. We then provide an assessment of the KKR Aceh's three main activities during the same period: statement-taking, holding hearing testimony forums and producing the KKR Aceh's final report, which is expected to contain the KKR Aceh's recommendations to the Indonesian government.⁸⁴

At the time of writing, these activities were ongoing. The analysis presented here represents an examination of the KKR Aceh's work between 2016 and 2021. We argue that while the KKR Aceh has, at times, struggled to fulfil its mandate as an investigative body tasked with identifying those responsible for perpetrating human rights abuses during the conflict, it has been successful in exposing the ongoing practical needs of victims.

Investigation of past human rights abuses

The KKR Aceh's first task is to investigate and document past human rights violations during the Aceh conflict. 'Human rights violations', as used here, refers to 'every act by an individual or a group of people including state apparatus, deliberately or otherwise, to deprive the human rights of a person or group of persons that are guaranteed by [Indonesia's 1999 Law on Human Rights]'. 'Revealing the truth' (*pengungkapan kebenaran*) refers to 'the various actions of the commission to search for and identify ... human rights abuses during the Aceh conflict for the purpose of reconciliation between victims and perpetrators'.⁸⁵

To carry out this investigation, the KKR Aceh has been given sweeping powers to investigate the role of state and nonstate bodies in the conflict, and to identify perpetrators of human rights violations. As the legislation explains, the KKR Aceh is authorised to:

84 All the authors of this chapter are members of the KKR Aceh's final report writing team.

85 *Qanun Aceh* No. 17, Year 2013, Articles 1, 30.

- 'access all sources of information required in their inquiries in the form of written documents and verbal statements from government and nongovernment bodies'
- 'obtain an explanation or statement from any person or institution related to the events in their inquiries'
- 'name the perpetrators of human rights violations cases'.⁸⁶

This description demonstrates that the KKR Aceh's investigative powers are meant to be similar to those of a formal commission of inquiry, such as one led by Komnas HAM. Indeed, the KKR Aceh's investigative powers go even further. The KKR Aceh is also empowered, at the request of victims, to 'search for missing persons such as by the excavations of mass graves'.⁸⁷

However, to date, none of the above powers have been utilised. Critically, the KKR Aceh lacks subpoena powers and can, therefore, only politely request access to government archives, or to interview officials and alleged perpetrators; it cannot compel them to comply. Meanwhile, the KKR Aceh remains concerned that such requests could further compromise the commission's already fragile political support within Aceh's provincial government. As a result, the KKR Aceh has limited its investigative work to exclusively interviewing victims, survivors and other civilian eyewitnesses of human rights abuses during the conflict. Similarly, the KKR Aceh has not attempted to exhume mass graves from the time of the conflict, despite the locations of many of these graves being known in the community.

Reconciliation between perpetrators and victims

The KKR Aceh's second task is to 'assist [with] reconciliation' between perpetrators of human rights violations, 'both individuals and institutions', and victims. Reconciliation is defined here as:

the results of a process to reveal truth, confession, forgiveness, and community acceptance of the victims and perpetrators through KKR Aceh using Aceh's indigenous mechanisms to resolve human rights violations for the sake of peace and unity of the nation.⁸⁸

⁸⁶ *Qanun Aceh* No. 17, Year 2013, Article 10.

⁸⁷ *Qanun Aceh* No. 17, Year 2013, Article 1.

⁸⁸ *Qanun Aceh* No. 17, Year 2013, Articles 1, 20.

Reconciliation is, thus, described as the outcome of a comprehensive investigation of the facts of the conflict by the commission, which includes seeking admissions of guilt ('confession') from perpetrators and the response of victims to these admissions ('forgiveness'). However, as outlined above, the KKR Aceh has deliberately avoided interviewing perpetrators from either the pro-government or pro-GAM side of the conflict, and there are no incentives for perpetrators to come forward to provide this information. This means that victims and survivors are being asked to 'forgive' perpetrators who have yet to even admit their involvement in the violence.

The term 'indigenous mechanisms to resolve human rights violations', as used here, refers to the Indonesian concept of *adat*: the use of 'customary practices' to resolve social conflict at the local level.⁸⁹ In Aceh, this includes the use of '*peusijek* ceremonies' at events aimed at promoting reconciliation. *Peusijek* is an Acehnese word for a ceremony of 'cooling down' or 'cleansing' that traditionally involves the use of specially prepared water, which is sprinkled on a person or place as prayers are recited. When the ceremony is used as a form of dispute resolution in cases where blood has been shed, money is also often given. *Peusijek* ceremonies were incorporated into local grassroots reconciliation initiatives in Aceh prior to the establishment of the KKR Aceh, such as at a public ceremony held in Bener Meriah in December 2010 (see Chapter 6 of this volume). They have also been used at KKR Aceh-sponsored events, such as the unveiling of a memorial plaque in Gampong Cot Keng, Pidie Jaya, on 20 July 2020.⁹⁰

The use of *adat* practices in place of formal legal methods is problematic.⁹¹ This is especially the case in Aceh, where local leaders may have been complicit in the conflict.⁹² In practice, the KKR Aceh has used *adat* practices as complementary to its core activities, rather than as a replacement for

89 Cynthia M. Horne, 'Reconstructing "Traditional Justice" from the outside in: Transitional Justice in Aceh and East Timor,' *Journal of Peacebuilding and Development* 9, no. 2 (2014): 20–21, doi.org/10.1080/15423166.2014.937654.

90 For an image of this *peusijek* ceremony, see Komisioner Komisi Kebenaran dan Rekonsiliasi, 'Peringatan Hari HAM International 10 Desember, Berikut Ini Pernyataan KKR Aceh,' *Komisi Kebenaran dan Rekonsiliasi*, 10 December 2020, kkr.acehprov.go.id/berita/kategori/news/peringatan-hari-ham-international-10-desember-berikut-ini-pernyataan-kr-aceh; see also SinarPidie.co, 'Tugu Prastasi Memorialisasi di Cot Keng Diresmikan,' *SinarPidie.co*, 21 July 2020, sinarpidie.co/news/tugu-prasasti-memorialisasi-di-cot-keng-diresmikan/index.html.

91 Debates about the role of *adat* in Indonesian's legal system stretch back to the colonial period. See, for example, Yusi Amdani, 'Proses Pelaksanaan Penyelesaian Perselisihan di Lembaga Peradilan Adat Aceh Tingkat Gampong (Desa),' *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 48, no. 1 (2014): 231–60, asy-syirah.uin-suka.com/index.php/AS/article/viewFile/86/86.

92 Horne, 'Reconstructing "Traditional Justice",' 24–25.

other efforts to promote reconciliation at the local level. Yet, the inclusion of this clause in the KKR Aceh's founding legislation is evidence of an official preference for 'peace and unity' over a more robust reconciliation process.

Recommendations for comprehensive reparations

The KKR Aceh's third task is to 'recommend comprehensive reparations' for victims of the conflict. Reparations, as defined here, refers to 'remedy or recovery' that the state is 'obliged' to provide to victims of the conflict. This can include 'monetary compensation'; economic, medical, psychological, legal and social 'rehabilitation'; and the right to request an 'official apology and [the imposition of] sanctions against the perpetrators'.⁹³ While the KKR Aceh can only recommend and not, on its own, implement these proposed reparative measures, it is permitted to assist with their implementation, through 'cooperation' with existing organisations 'that possess the capability to provide the required rehabilitation'.⁹⁴

In 2019, the KKR Aceh launched a concerted campaign to advocate for the distribution of urgent reparations to civilian conflict victims, based on the results of its investigations.⁹⁵ On 27 May 2020, Aceh's governor, Nova Iriansyah, formally approved a request from the KKR Aceh to provide 'urgent reparations' to 242 conflict victims identified as requiring immediate assistance, including urgent medical and psychological care.⁹⁶ This approval represents a major victory for the KKR Aceh and is an important step towards it realising its mandate. Concerningly, however, this gubernatorial decree also stated that these urgent reparations must be implemented by the BRA,⁹⁷ despite the BRA's disappointing track record in implementing such programs and ongoing allegations about its misappropriation of funds. Since accepting this new role, the BRA has requested additional economic

93 *Qanun Aceh* No. 17, Year 2013, Articles 1, 15.

94 *Qanun Aceh* No. 17, Year 2013, Article 28.

95 Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh), 'Laporan Akuntabilitas Kerja Komisi Kebenaran dan Rekonsiliasi (KKR) Aceh Tahun 2020,' *KKR Aceh*, Banda Aceh, n.d., 9, kkr.acehprov.go.id/media/2021.04/LAPORAN_AKUNTABILITAS_KKR_ACEH_2020.pdf.

96 Gubernur Aceh, 'Keputusan Gubernur Aceh, Nomor 330/1209/2020 tentang Penetapan Penerima Reparasi Mendesak Pemulihan Hak Korban kepada Korban Pelanggaran Hak Asasi Manusia,' KKR Aceh, Banda Aceh, 27 May 2020, kkr.acehprov.go.id/media/2020.11/SK_Reparasi_Mendesak.pdf. The number of victims initially reported as requiring urgent reparations was originally calculated at 170 but later increased to 242. 'Nova Terbitkan Kepgub Pemulihan Hal Korban HAM,' *Serambinews.com*, 27 June 2020, aceh.tribunnews.com/2020/06/27/nova-terbitkan-kepgub-pemulihan-hak-korban-ham; Rahmat Fajri, 'Reparasi Mendesak Bagi 242 Korban Konflik Aceh Belum Terealisasi,' *Antara News*, 8 March 2021, aceh.antaranews.com/berita/199503/reparasi-mendesak-bagi-242-korban-konflik-aceh-belum-teralisasi.

97 Gubernur Aceh, 'Keputusan Gubernur Aceh, Nomor 330/1209/2020,' 2.

assistance from the central government to implement these urgent reparations.⁹⁸ It has also blamed its inability to provide adequate assistance to conflict victims in the past on a lack of funding.⁹⁹

At the time of writing, victims have yet to receive these urgent reparations. On 8 March 2021, KKR Aceh commissioner Ainal Mardiah explained that this delay had been caused by the BRA, which claims it does not yet have an ‘appropriate mechanism’ to distribute the reparations.¹⁰⁰ The KKR Aceh is hopeful the BRA will implement these urgent reparations as a matter of priority.

Statement-taking

As discussed in Chapter 5 of this volume, statement-taking has been the most time-consuming activity of the KKR Aceh during its first term. To date, it has recorded 5,785 original statements in 13 locations throughout Aceh.¹⁰¹ Statement-taking is also one of the KKR Aceh’s most important activities, as these statements form the backbone of its efforts to ‘reveal the truth’ about human rights violations in Aceh during the conflict.

In practice, the KKR Aceh has faced three key difficulties during its statement-taking process. The first, as mentioned, is that because the KKR Aceh does not possess subpoena powers, it cannot compel perpetrators or government officials to participate. Nor, as discussed earlier, does the KKR Aceh possess any mechanism, such as amnesty-for-full-disclosure powers, that might incentivise their participation. This has meant that the KKR Aceh has been limited to taking statements from victims and their relatives.¹⁰² As noted above, this focus on victim statements is a result of political factors on the ground in Aceh that remain beyond the KKR Aceh’s control. This limitation has, nonetheless, severely impeded the KKR Aceh’s ability to conduct a thorough investigation, as both government forces and GAM fighters have been allowed to remain silent.

98 ‘Aceh Masih Butuh Bantuan Pemerintah Pusat untuk Merawat Perdamaian,’ *Popularitas.com*, 8 August 2020, popularitas.com/berita/aceh-masih-butuh-bantuan-pemerintah-pusat-untuk-merawat-perdamaian/.

99 ‘Aceh Masih Butuh.’

100 Fajri, ‘Reparasi Mendesak Bagi 242.’

101 Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh), ‘Laporan Akuntabilitas Kerja,’ 3. Statement-taking has since been hampered by COVID-19 restrictions in Aceh.

102 All 5,785 statements collected by the KKR Aceh by December 2020 are from ‘victims/eyewitnesses/family of victims’. See Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh), ‘Laporan Akuntabilitas Kerja,’ 3.

Secondly, many victims approached by the KKR Aceh to participate in its statement-taking process were initially less than enthusiastic about participating. As explained in Chapter 5, many of the victims approached by KKR Aceh statement-taking teams had previously provided statements to other investigative teams, including teams from Komnas HAM, KontraS Aceh, Amnesty International and Human Rights Watch, and received little by way of practical assistance to show for their participation. These experiences have led to scepticism in survivor communities in Aceh that the KKR Aceh would repeat this pattern of making well-meaning, but often unachievable, promises in exchange for participation. The KKR Aceh holds a moral responsibility to prove these concerns unfounded.

The third difficulty relates to the statement-taking. KKR Aceh staff have discovered that many of the statements collected by KKR Aceh statement-taking teams 'lacked detail, particularly specific details of human rights abuses'.¹⁰³ According to these initial assessments, many of the statements were taken individually from victims without a systematic attempt by statement-takers to triangulate the information gathered. Similarly, statement-takers have been reluctant to push interviewees to provide further information about the identity of perpetrators named in these statements. This lack of detail is particularly problematic in a case such as the Aceh conflict, where both sides often deliberately disguised their identities from victims. These weaknesses in interview technique affect a significantly large amount of the statements collected. To provide an example, of a sample of 42 victim statements collected in Bener Meriah, only six cases were able to be triangulated using current data (see Chapter 7). A similar phenomenon can be seen in the case of abuse-specific statements, where a lack of descriptive detail of the abuses recorded makes it difficult for cases to be categorised (see Chapter 6).

While it is easy to criticise these weaknesses, they reveal some very hard facts about the reality of conducting an inquiry to 'reveal the truth' in a place such as Aceh. The KKR Aceh is not the first group to investigate the Aceh conflict. Komnas HAM and KontraS have both conducted serious investigations that have produced detailed reports that clearly establish accountability for human rights abuses during the Aceh conflict. While Komnas HAM's reports are officially kept under embargo by the Indonesian government, they are available in Aceh.¹⁰⁴ Similarly, KontraS

103 For an account of the KKR Aceh's statement-collection processes, see Chapter 5 of this volume.

104 Photocopies of these reports can be found in Banda Aceh and have been sighted by the authors of this chapter – for example, 'Laporan Tim Ad Hoc Aceh,' *Komisi Nasional Hak Asasi Manusia Indonesia (Komnas HAM)*, Jakarta, 2004.

Aceh,¹⁰⁵ Amnesty International¹⁰⁶ and Human Rights Watch¹⁰⁷ have all conducted multiple extensive investigations into the conflict, beginning in the early 1990s, that are freely accessible. The central problem faced by the KKR Aceh is not that the ‘truth’ about the Aceh conflict is unknown, but, rather, that this truth does not seem to matter. The KKR Aceh does not need to convince the Indonesian state that serious human rights abuses occurred during the Aceh conflict, but, rather, that it should do something about them.

Hearing testimony forums

The KKR Aceh’s public hearing testimony forums provide a mechanism for the commission to help influence public perceptions about the conflict. To date, the KKR Aceh has conducted two such public forums, each with a different theme (see Chapter 5). The first, held 28–29 November 2018, focused on the issue of torture; the second, held 19–20 November 2019, on the issue of forced disappearances. A third forum, planned for late 2020 on the topic of sexual violence, was postponed due to the COVID-19 pandemic.

The hearing testimony forums provide a space for survivors to speak publicly about their experiences. The KKR Aceh also sees the process of giving testimony at these forums as a way for them to help survivors ‘recover or heal’, both by empowering survivors and by providing them with a ‘catharsis’.¹⁰⁸ However, the very act of speaking exposes these survivors to possible retaliation, from which the KKR Aceh has no real means of protecting them.¹⁰⁹ The bravery of the survivors has helped to keep the

105 Photocopies of these reports are held by KontraS Aceh, Banda Aceh. The reports include ‘Data Korban Tindak Kekerasan Satu Tahun Penandatanganan MoU Antara RI dan GAM Tanggal 15 August 2005–15 August 2006,’ Tim Investigasi KontraS Aceh, Banda Aceh, 2006.

106 See, for example, Amnesty International, *Indonesia: “Shock Therapy”: Restoring Order in Aceh, 1989–1993* (London: Amnesty International, 27 July 1993), ASA 21/07/93, [amnesty.org/download/Documents/188000/asa210071993en.pdf](https://www.amnesty.org/download/Documents/188000/asa210071993en.pdf); Amnesty International, *Time to Face the Past*.

107 See, for example, Human Rights Watch, ‘Indonesia: The War in Aceh,’ *Human Rights Watch Report* 13, no. 4 (c), August 2001, [hrw.org/reports/2001/aceh/indacheh0801.pdf](https://www.hrw.org/reports/2001/aceh/indacheh0801.pdf); Human Rights Watch, ‘Aceh under Martial Law: Inside the Secret War,’ *Human Rights Watch* 15, no. 10 (c), December 2003, [hrw.org/reports/2003/indonesia1203/indonesia1203.pdf](https://www.hrw.org/reports/2003/indonesia1203/indonesia1203.pdf).

108 See Chapter 5 of this volume on participants’ reactions to the process.

109 According to KontraS Aceh’s program manager, Faisal Hadi, survivors who participate in the KKR Aceh are unable to access government witness-protection programs. See Habib Razali, ‘Korban Takut Bersaksi, Kendala Ungkap Kasus Penyiksaan di Aceh,’ *acehkini*, 27 June 2019, kumparan.com/acehkini/korban-takut-bersaksi-kendala-ungkap-kasus-penyiksaan-di-aceh-1rM0CLd4pFS/full. The measures that were put in place by the commission to try to protect witnesses are discussed further in Chapter 5 of this volume.

plight of Aceh's forgotten victims in the headlines when the Indonesian government, former GAM leaders and the international community would prefer to see the Aceh conflict as 'case closed'. However, survivors should not have to risk their personal safety to have their rights recognised. The protection of survivors remains an ongoing challenge for the KKR Aceh.

The KKR Aceh's final report

The KKR Aceh's first-term final report will contain the results of its investigation into past human rights abuses during the conflict and its recommendations to the Indonesian government regarding reparations for victims. To present these results, the KKR Aceh's final report provides an analysis of the 5,785 original eyewitness statements collected by the commission between 2017 and 2021. To analyse these statements, the KKR Aceh uses an 'events-based' methodology originally developed by the Human Rights Information and Documentation Systems (HURIDOCS) network.¹¹⁰ This approach employs a program called OpenEvSys, a user-friendly, web-based database application program, which the KKR Aceh has used to produce four separate datasets corresponding to the four main chapters of the final report.¹¹¹ Each of these four datasets focuses on one of the main types of abuse reported in the statements, namely: torture, enforced disappearances, extrajudicial killings and sexual violence.¹¹²

The analysis of this new data has already produced some important results, including, for example, confirming that the vast majority of torture cases reported to the KKR Aceh were perpetrated by Indonesian security force personnel against unarmed civilians.¹¹³ The KKR Aceh's final report will serve as the major forum where the commission's investigation and documentation of human rights abuses during the Aceh conflict will be presented. It is also expected to provide the KKR Aceh's key recommendations for future reconciliation and reparation measures, to be undertaken during the KKR

110 A full account of the KKR Aceh's adoption of the HURIDOCS system can be found in the KKR Aceh's final report, which is due for publication in 2023. The HURIDOCS system is explained further in Chapter 5 of this volume.

111 This is an unusual approach. It will be necessary in the future to combine these datasets to facilitate an analysis of the KKR Aceh's dataset as a whole.

112 The authors of this chapter were involved in the writing of these chapters. Annie Pohlman and Jess Melvin were part of the 'Torture' and 'Enforced Disappearances' chapter-writing teams. Sri L. Wahyuningroem was part of the 'Extrajudicial Killings' chapter-writing team. Indria Fernida was involved in the facilitation of communication between the chapter-writing teams.

113 This finding is based on the authors' analysis of the KKR Aceh's datasets. This analysis will be published in the KKR Aceh's final report, which is due for publication in 2023.

Aceh's second term in office, beginning in 2022. The final report will thus serve as an important measure of the KKR Aceh's ability to fulfil its mandate during its first term.

Conclusion

This chapter has examined the role of the KKR Aceh as a transitional justice mechanism. Beginning with an overview of the key theoretical assumptions that have underpinned transitional justice approaches as they relate to the case of Aceh, we have provided an outline of transitional justice measures adopted in Aceh between 2005 and the present, to produce an initial evaluation of the KKR Aceh's work to date. Our focus has been measures introduced in the 10 years between the end of the conflict and the establishment of the commission (2005–15) and the work of the KKR Aceh during its first term (2016–21), to assess whether the commission has been successful in achieving its mandate and aims.

In discussing some of the serious challenges faced by the KKR Aceh, we argue that while the commission may have succeeded in promoting a deeper understanding of past human rights abuses (e.g. through its documentation of human rights abuses during the Aceh conflict) and advocated for material assistance to be provided to victims (such as through the provision of 'urgent reparations' to 242 conflict victims identified by the KKR Aceh as requiring immediate assistance), it has yet to deliver justice. This is due, primarily, to the difficult political environment in which the KKR Aceh must operate.

Considering the many challenges that it has faced, including the effects of the COVID-19 pandemic, which severely limited its ability to continue work as usual throughout the last two years of its first term, the KKR Aceh has been able to achieve something remarkable: it has managed to keep the issue of Aceh's civilian conflict victims, and their continued need for truth and reconciliation, on the radar. For this reason, it is important to continue to support the work of the KKR Aceh into the future.

3

The role of civil society in pushing for truth and repair in Aceh

Evi Narti Zain and Galuh Wandita

Civil society and the transitional justice process

In this chapter we examine the central role of civil society in establishing the Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh, Aceh Truth and Reconciliation Commission).¹ A key part of the peace agreement signed between the Gerakan Aceh Merdeka (GAM, Free Aceh Movement) and the Indonesian government in 2005, the promise of a truth commission was practically abandoned by both parties in the following years, and by the international community. We demonstrate how local civil society organisations, together with survivors and their families, put pressure on the Acehnese government to establish the KKR Aceh and have subsequently enabled its work.

This research contributes to the growing literature on the dynamic roles that civil society actors play in transitional justice, and on the conditions that enable and restrain their activities.² Within this developing area of

1 This chapter was partly translated into English by Annie Pohlman.

2 For example, Béatrice Pouligny, 'Civil Society and Post-conflict Peacebuilding: Ambiguities of International Programmes Aimed at Building "New" Societies,' *Security Dialogue* 36, no. 4 (2005): 495–510, doi.org/10.1177/0967010605060448.

study, much has been written on the role of civil society in strengthening efforts to reach transitional justice goals.³ Leading transitional justice expert Priscilla Hayner observes that:

the strength of civil society in any given country ... will partly determine the success of any transitional justice initiative ... the contribution of NGOs [non-government organisations] can be critical.⁴

The case of Aceh's transitional justice experience bears out this assessment, as civil society in Aceh has undeniably been pivotal in establishing the KKR Aceh.⁵

In addition, the case of Aceh supports the view that civil society's actions overwhelmingly support transitional justice mechanisms such as truth and reconciliation commissions. This view reinforces what a range of researchers, including Laura J. Shepherd, Paul Gready and Simon Robins, have pointed out is a liberal-democratic, normative role for civil society in postconflict settings.⁶ Indeed, as Dustin N. Sharp has argued, this normative framework has shaped the narrative of transitional justice since the 1990s, which views transitional justice as a 'handmaiden' to liberal-democratic political transitions.⁷ According to this narrative, civil society groups inherently function as positive contributors to peacebuilding, working to uphold universal liberal-democratic norms such as human rights and accountability for past wrongdoing. Furthermore, this narrative of transitional justice is

3 See, for example, David Backer, 'Civil Society and Transitional Justice: Possibilities, Patterns and Prospects,' *Journal of Human Rights* 2, no. 3 (2003): 297–313, doi.org/10.1080/1475483032000132999; David Crocker, 'Transitional Justice and International Civil Society: Toward a Normative Framework,' *Constellations* 5, no. 4 (1998): 23–41, doi.org/10.1111/1467-8675.00110.

4 Priscilla Hayner, 'Responding to a Painful Past: The Role of Civil Society and the International Community,' in *Dealing with the Past: Critical Issues, Lessons Learned, and Challenges for Future Swiss Policy*, ed. Mò Bleeker and Jonathan Sisson, KOFF Series Working Paper (Bern: Swiss Peace, 2005), 45.

5 On civil society helping to form the KKR Aceh, see Asia Justice and Rights (AJAR) and Komisi untuk Orang Hilang dan Korban Kekerasan [Commission for the Disappeared and Victims of Violence] (KontraS) Aceh, *Transitional Justice: Indonesia Case Study* (Jakarta: AJAR and KontraS Aceh, October 2017), 7–10; Lia Kent and Rizki Affiat, 'Gambling with Truth: Hopes and Challenges for Aceh's Commission for Truth and Reconciliation,' in *Flowers in the Wall: Truth and Reconciliation in Timor-Leste, Indonesia, and Melanesia*, ed. David Webster (Calgary: University of Calgary Press, 2017), 167–84, regnet.anu.edu.au/sites/default/files/publications/attachments/2019-01/Lia%20Kent%20Gambling%20with%20truth.pdf.

6 Laura J. Shepherd, 'Constructing Civil Society: Gender, Power and Legitimacy in United Nations Peacebuilding Discourse,' *European Journal of International Relations* 21, no. 4 (2015): 887–910, doi.org/10.1177/1354066115569319; Paul Gready and Simon Robins, 'Rethinking Civil Society and Transitional Justice: Lessons from Social Movements and "New" Civil Society,' *International Journal of Human Rights* 21, no. 7 (2017): 956–75, doi.org/10.1080/13642987.2017.1313237.

7 Dustin N. Sharp, *Rethinking Transitional Justice for the Twenty-First Century* (Cambridge: Cambridge University Press, 2018), 95–114, doi.org/10.1017/9781108609180.

premised on peacebuilding coming *after* past wrongdoing, and on the use of these transitional justice mechanisms – in whatever form, be they courts, truth commissions, democratic reforms or the like – as a kind of vehicle or pathway after atrocity towards a more peaceful (and democratic) future.⁸

More recent research on civil society and transitional justice contexts, particularly in Southeast Asia and the Pacific, however, has challenged this narrative of a pathway to liberal-democratic norms. Work done, in particular, by Lia Kent, Joanne Wallis and Claire Cronin has instead highlighted the diversity and dynamism of civil society actors. As these more recent studies show, civil society actors, and their activities and goals, do not always conform with – indeed, they may actively work against – transitional justice functioning as a handmaiden to liberal-democratic peacebuilding.⁹ Civil society, in its many complex forms – from NGOs and community groups, to art activists, to religious groups, and many other types of groups and actors – can both ‘enable and disable’ the liberal-democratic norm-building of transitional justice, just as they can have their own agendas that compete with that norm-building.¹⁰ Furthermore, the relationship between civil society, the state and transitional justice is interactive. Though each may help shape the other, these relationships are asymmetrical, in the sense that the work of civil society groups is often bounded by the form of government, and the type of transitional justice mechanisms chosen and in progress.¹¹

Yet the case of Aceh demonstrates that this is not always the case. In Aceh, the generally asymmetrical relationship between civil society and the state can pivot in the other direction, so that civil society can have a far more formative impact on shaping transitional justice mechanisms and outcomes. We do not imply that civil society groups in Aceh were able to gain control or power over the state; rather, they were able to organise and apply enough

8 Dustin N. Sharp, ‘Emancipating Transitional Justice from the Bonds of the Paradigmatic Transition,’ *International Journal of Transitional Justice* 9, no. 1 (2015): 150–69, doi.org/10.1093/ijtj/iju021.

9 See Joanne Wallis and Lia Kent, ‘Special Issue on “Reconceiving Civil Society and Transitional Justice: Lessons from Asia and the Pacific” (Introduction),’ *Global Change, Peace and Security* 31, no. 2 (2019), 129–38, doi.org/10.1080/14781158.2019.1599837; Lia Kent, Joanne Wallis, and Claire Cronin, eds., *Civil Society and Transitional Justice in Asia and the Pacific* (Canberra: ANU Press, 2019), doi.org/10.22459/CSTJAP.2019. See also Renée Jeffery, Lia Kent, and Joanne Wallis, ‘Reconceiving the Roles of Religious Civil Society Organizations in Transitional Justice: Evidence from the Solomon Islands, Timor-Leste and Bougainville,’ *The International Journal of Transitional Justice* 11, no. 3 (2017): 378–99, doi.org/10.1093/ijtj/ijx020.

10 Wallis and Kent, ‘Special Issue,’ 130–31.

11 See Backer, ‘Civil Society and Transitional Justice,’ 297–313.

pressure, particularly on the local government, to shift the balance in favour of their own goals. Within the national context of Indonesia's ongoing and entrenched impunity for past atrocities, this shift was significant.¹²

Thus, in this chapter we argue that, unlike in many other transitional justice contexts, neither the international community nor the national government had much involvement in the setting up of the KKR Aceh. Rather, local civil society mobilisation drove the establishment of the commission as a permanent truth and reconciliation commission. They achieved this by:

- skilfully leveraging public support for the 2005 peace agreement (the Helsinki Peace Agreement)
- building key alliances with members of parliament and local government, outlasting officials who came and went through multiple election cycles; and, perhaps most importantly
- remaining resilient and demonstrating endurance – that is, displaying the essential staying power of Acehnese civil society over the last two decades to push for truth-telling and accountability.

We draw on interviews with a range of civil society actors who were instrumental in Acehnese civil society's push for truth and reconciliation, to reconstruct how these groups were so successful in their efforts.

We further show how the KKR Aceh is working to combat impunity for the serious human rights violations perpetrated during the Aceh conflict (1976–2005). With other official transitional justice mechanisms having stalled in Indonesia, the KKR Aceh is providing one of the very few avenues for truth and reconciliation, a process again led by civil society. As such, we also argue that the key to countering impunity in Aceh is local activism, which has led and sustained the local government's transitional justice mechanisms. To this end, we argue that the case of Aceh illustrates the far more dynamic and formative role that local civil society groups can have in transitional justice contexts. These groups in Aceh are certainly working towards the peacebuilding and accountability outcomes of the liberal-democratic, norm-building narrative, but they are far from being simply a handmaiden to these normative goals. Rather, the central and formative role of local civil society

12 In a similar vein, in a recent book, Wahyuningroem plots the emergence of 'bottom-up', civil society-led transitional justice initiatives in Indonesia over the past two decades; this bottom-up approach, she argues, has been necessary, given the torpor of political will for 'top-down' implementation; see Sri Lestari Wahyuningroem, *Transitional Justice from State to Civil Society: Democratization in Indonesia* (New York: Routledge, 2020).

actors in the transitional justice context of Aceh should be recast as that of midwife; Aceh's Truth and Reconciliation Commission would never have been born without the persistent, tenacious work of Aceh's civil society.

The growth of local civil society groups in Aceh

The civil society actors involved in pushing for and supporting the KKR Aceh came out of a broad movement that emerged in the province in the late 1990s. This movement in Aceh was, in turn, an extension of the broader, national, pro-democracy movement that gave rise to Indonesia's civil society during the final years of Suharto's New Order regime (1966–98).¹³ This national movement, known as Reformasi, was led by radical students throughout Indonesia. Its key demands included the removal of the military from government, and for Suharto and his cronies to be put on trial. The movement also spread to Aceh. However, the emergence of Aceh's civil society movement took its own path. While student protests 'swept Indonesia' following the collapse of Indonesia's economy in late 1997, Aceh remained under martial law.¹⁴ This meant that not only was the emergence of the Reformasi movement in Aceh delayed – it also had its own specific focus: ending ongoing military brutality in Aceh and, later, calling for a referendum.

As outlined in Chapter 1 of this volume, Aceh was declared a Daerah Operasi Militer (DOM, Military Operations Zone) and placed under martial law between July 1990 and August 1998. During this time, Indonesia's security forces led a campaign of terror resulting in widespread human rights abuses in the province. Meanwhile, a 'blanket of fear smothered most political and civil society activity' in Aceh.¹⁵ Following Suharto's resignation in May 1998, the increased media freedoms of the early Reformasi period brought greater and more detailed coverage of the human rights abuses occurring in the province to Indonesia's national audience.¹⁶ This increased awareness of

13 On the broad pro-democracy movement in Indonesia in the late 1990s, see Edward Aspinall, *Opposing Suharto: Compromise, Resistance, and Regime Change in Indonesia* (Stanford: Stanford University Press, 2005); and on the leadership of the student movement, see Doreen Lee, *Activist Archives: Youth Culture and the Political Past in Indonesia* (Durham: Duke University Press, 2016).

14 Edward Aspinall, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia* (Stanford: Stanford University Press, 2009), 124.

15 Aspinall, *Islam and Nation*, 124.

16 Priyambudi Sulistiyanto, 'Whither Aceh?' *Third World Quarterly* 22, no. 3 (2001): 444, doi.org/10.1080/01436590120061697.

abuses, combined with the tireless activity of pro-democracy activists in Aceh, led initially by university students, contributed to the founding of a range of civil society organisations and groups in the province in early 1998.¹⁷

Aceh's newly emerging civil society movement was initially hopeful that military abuses in the province would end and that the perpetrators of these abuses would face prosecution. These hopes were buoyed in August 1998 when Indonesia's military commander, General Wiranto, travelled to Banda Aceh to apologise for the excesses of the DOM period.¹⁸ Some generals subsequently appeared before the national parliament 'to account for the atrocities committed by the military in Aceh', but these investigations were never taken any further.¹⁹

As part of a strategy to place further pressure on the government to follow through on its promises to investigate human rights abuses in the province, civil society groups in Aceh began agitating for a referendum in the province from early 1999.²⁰ Edward Aspinall has observed that while the demand for a referendum was originally seen by student activists in Aceh as a 'bargaining chip to pressure the government to take action on human rights violations', the demand 'transformed from a tactical ploy' into a 'genuine demand', as a new string of military atrocities rocked the province in mid-1999.²¹ These atrocities included the May 1999 Simpang Kertas Kraft Aceh (Simpang KKA, Aceh Kraft Paper [mill] Junction) massacre and the July 1999 killing of a Muslim cleric, Teungku Bantaqiah, along with 50 of his followers; both of these cases are discussed in Chapter 8 of this volume.

On 8 November 1999, Aceh's peak civil society group, Sentral Informasi Referendum Aceh (SIRA, Aceh Referendum Information Centre), an umbrella group composed of more than 100 civil society organisations,²² held a massive demonstration in front of Banda Aceh's Grand Mosque. Approximately 500,000 of Aceh's 4.2 million people attended this

17 Sulistiyanto, 'Whither Aceh?' 444.

18 Aleksius Jemadu, 'Democratisation, the Indonesian Armed Forces and the Resolving of the Aceh Conflict,' in *Verandah of Violence: The Background to the Aceh Problem*, ed. Anthony Reid (Singapore: Singapore University Press, 2006), 276, doi.org/10.1017/s0021911808000557.

19 Jemadu, 'Democratisation,' 276–77.

20 For an account of this period, see Edward Aspinall, 'Violence and Identity Formation in Aceh under Indonesian Rule,' *Verandah of Violence: The Background to the Aceh Problem*, ed. Anthony Reid (Singapore: Singapore University Press, 2006), 166–70, doi.org/10.1017/s0021911808000557.

21 Edward Aspinall, 'Modernity, History and Ethnicity: Indonesian and Acehnese Nationalism in Conflict,' *RIMA: Review of Indonesian and Malaysian Affairs* 36, no. 1 (2002): 13.

22 Shane J. Barter, *Neither Wolf, nor Lamb: Embracing Civil Society in the Aceh Conflict* (Bangkok: Forum Asia, 2004), 139, watchindonesia.de/wp-content/uploads/Neither_Wolf_nor_Lamb-civil-society-aceh.pdf.

demonstration to demand a vote on whether Aceh should ‘join or separate’ from Indonesia, and, in a panic, police threw ‘off their uniforms and abandoned their posts’.²³ However, the military was able to regain the upper hand and launch a ‘brutal attack’ against both GAM and Aceh’s civilian activists.²⁴ The incident occurred just weeks after the people of East Timor had voted in support of independence from Indonesia, and tensions were high. Earlier the same month, Indonesia’s newly elected president, Abdurrahman Wahid, had first promised, and then denied, that Aceh could be allowed its own East Timor-style referendum.²⁵ Commentators in Indonesia wrote anxiously about potential ‘national disintegration’.²⁶

By mid-2000, more than 200 civil society groups had been established in Aceh.²⁷ Yet, a ‘growing public apathy’ had begun to develop in Indonesia’s civil society movement, as ‘expressions of sympathy for the Acehnese rapidly became displaced by demands for stern action against separatism’.²⁸ This abandonment of Aceh’s pro-referendum movement was a great blow to civil society activists in Aceh. In November 2000, the chairperson of SIRA, Mohammad Nazar, was arrested and sentenced to 10 months’ imprisonment.²⁹ At this time, the military attempted to portray SIRA as the civilian arm of GAM, despite SIRA having had ‘no known links’ to GAM when it first formed.³⁰

Following the failure of two ceasefires in the province, in May 2000 and December 2002, martial law was reimposed in Aceh in 2003. Aceh’s civil society groups were deliberately targeted during this period. In July 2002, Raihana Diani, the chairperson of Organisasi Perempuan Aceh Demokratik (Acehnese Democratic Women’s Organisation), was arrested after staging a peaceful protest in Banda Aceh and sentenced to six months’ imprisonment.³¹ SIRA chairperson, Nazar, was re-arrested in February 2003³² and February

23 Jess Melvin, *The Army and the Indonesian Genocide: Mechanics of Mass Murder* (New York: Routledge, 2018), 16, doi.org/10.4324/9781351273329.

24 Melvin, *The Army and the Indonesian Genocide*, 126.

25 Michelle Ann Miller, ‘What’s Special about Special Autonomy in Aceh?’ in *Verandah of Violence: The Background to the Aceh Problem*, ed. Anthony Reid (Singapore: Singapore University Press, 2006), 300, doi.org/10.1017/s0021911808000557.

26 Aspinall, ‘Violence and Identity Formation,’ 169–70.

27 Aspinall, *Islam and Nation*, 126.

28 Aspinall, ‘Violence and Identity Formation,’ 169–70.

29 Human Rights Watch, ‘A Return to the New Order? Political Prisoners in Megawati’s Indonesia,’ *Human Rights Watch* 15, no. 4 (c) (July 2003): 3, hrw.org/report/2003/07/09/return-new-order/political-prisoners-megawatis-indonesia#.

30 Barter, *Neither Wolf, nor Lamb*, 140.

31 Human Rights Watch, ‘A Return to the New Order?’, 4.

32 Human Rights Watch, ‘A Return to the New Order?’, 3.

2004.³³ Meanwhile, other groups, such as the Front Perlawanan Demokratik Rakyat Aceh (FPDRA, Acehese People's Democratic Resistance Front), were declared illegal, and their leaders, including the charismatic youth leader Kautsar, who would later join GAM, were forced underground.³⁴

The end of martial law following the December 2004 tsunami, allowed many civil society activists who had fled the province to return to Aceh, while many of Aceh's civil society groups began to re-emerge. Many of these groups initially focused on providing humanitarian assistance to tsunami victims. There were, however, no civil society representatives at the negotiations that led to the 2005 peace agreement.

Leveraging the peace agreement: not letting a promise go

The August 2005 peace deal between the Republic of Indonesia and GAM (known as the Helsinki Memorandum of Understanding (MoU) or the Helsinki Peace Agreement) was signed at the end of several rounds of tough negotiations held in the aftermath of the tsunami.³⁵ The inclusion of a truth commission and a human rights court in the peace agreement was a last-minute addition in the peace negotiations.³⁶ Much of the peace talks had focused on the establishment of local political parties, which for GAM presented a crucial path to self-governance. Although GAM did raise the issue of accountability for crimes in the earlier rounds of negotiations, they were not convinced that this could happen. In a 2007 interview, a GAM negotiator reflected that:

during the negotiations, to be frank, we thought all of this would be an academic pursuit. NATO was attempting to try perpetrators in [the] former Yugoslavia. Would it be possible to actually bring to trial a general in Indonesia? Impossible.³⁷

33 Cited in Barter, *Neither Wolf, nor Lamb*, 139.

34 Cited in Barter, *Neither Wolf, nor Lamb*, 139.

35 See Edward Aspinall, *The Helsinki Agreement: A More Promising Basis for Peace in Aceh?* East-West Center, Policy Studies Paper No. 20, Washington, DC, 2005, eastwestcenter.org/publications/helsinki-agreement-more-promising-basis-peace-aceh.

36 As explained in the Chapter 1 of this volume, Clause 2.2 of the MoU provided for the establishment of a human rights court, while Clause 2.3 contained provisions for the establishment of a truth and reconciliation commission.

37 See Scott Cunliffe et al., *Negotiating Peace in Indonesia: Prospects for Building Peace and Upholding Justice in Maluku and Aceh*, IFP Mediation Cluster Country Case Study: Indonesia (New York and Jakarta: International Center for Transitional Justice and Institute for Policy Research and Advocacy [ELSAM], 2009), 14, ictj.org/sites/default/files/ICTJ-IFP-Indonesia-Negotiating-Peace-2009-English.pdf.

However, as part of a wave of reform taking place in Indonesia at the time, a law for a national truth commission had passed in 2004, and a court with jurisdiction over atrocity crimes was already in place.³⁸ In the end, the provisions on justice were added at the very last moment by the chief negotiator, Martii Artasari, and both parties agreed without much discussion.³⁹

The 2005 Helsinki MoU promised the establishment of a human rights court and a truth commission ‘within one year’. However, by the time the agreement was adopted into national law by Indonesia’s national parliament in 2006, provisions for accountability became more tenuous (Law on the Governing of Aceh or Law 11/2006, known by its acronym, LoGA). The first problem was that the human rights court was restricted to only examining future violations (under existing Indonesian law, a human rights court can only have retroactive jurisdiction by parliamentary decree). The second problem in the Helsinki MoU was that the truth commission was ‘inseparably linked’ to a national truth commission, which had already come into law but was yet to be established.⁴⁰

The law to enable Indonesia’s planned national truth and reconciliation commission, however, was struck down by a Constitutional Court ruling in 2006. The demise of the planned national commission caused a critical ripple effect in Aceh. Originally passed in 2004, the national Truth and Reconciliation (TRC) Law had contained some flaws: it had allowed the power to recommend amnesties for serious crimes, blocked prosecutions of cases investigated by the commission, and provided compensation to

38 Regarding these early Reformasi reforms, see International Center for Transitional Justice (ICTJ) and Komisi untuk Orang Hilang dan Korban Kekerasan [Commission for the Disappeared and Victims of Violence] (KontraS), *Derailed: Transitional Justice in Indonesia since the Fall of Soeharto*, A Joint Report by ICTJ and KontraS (Jakarta: International Center for Transitional Justice and KontraS, 2011), ictj.org/sites/default/files/ICTJ-KontraS-Indonesia-Derailed-Report-2011-English_0.pdf; Jeff Herbert, ‘The Legal Framework on Human Rights in Indonesia,’ in *Indonesia: Law and Society*, 2nd ed., ed. Tim Lindsey (Sydney: The Federation Press, 2008), 454–67. The early Reformasi-era ad hoc human rights courts were a failure; see, for example, David Cohen, *Intended to Fail: The Trials before the Ad Hoc Human Rights Court in Jakarta*, Occasional Paper Series (New York: International Center for Transitional Justice, August 2003), ictj.org/sites/default/files/ICTJ-Indonesia-Rights-Court-2003-English.pdf.

39 Electronic communication of the authors with Nurzahri, a former member of the Aceh parliament from Partai Aceh, 29 May 2019.

40 Law on the Governing of Aceh/LoGA (Law 11/2006 of the Indonesian national parliament, *Undang-Undang Pemerintahan Aceh*), Articles 229–30 and 260. Note that the Helsinki MoU was drafted when the Indonesian national TRC law was in effect (i.e. before it had been cancelled) and stated that the national TRC would establish a TRC in Aceh. The wording of the LoGA specifying that the Aceh and national TRCs were ‘inseparable’ led many to believe that, with the cancellation of the national law, the Aceh TRC would never be established.

victims only if their perpetrator were given amnesty.⁴¹ A group of civil society organisations launched a judicial review in the Constitutional Court and was surprised when, instead of handing down a judgment correcting the offending articles, the court annulled the whole law altogether.⁴² The annulment of the national TRC Law resulted in a roadblock in plans for an Acehese commission that took more than a decade to overcome.

Civil society groups at the local and national levels reacted swiftly. A parallel strategy was created, with a national coalition of non-government organisations, the Koalisi Keadilan dan Pengungkapan Kebenaran (KKPK, Coalition for Justice and the Disclosure of Truth) pushing for the redrafting of a national TRC Law in Jakarta, while a new local group, the Koalisi Pengungkapan Kebenaran Aceh (KPK Aceh, Coalition for Truth-Telling in Aceh) created a policy paper on the KKR Aceh in 2007.⁴³ In 2007, for example, the KPK Aceh presented their work to the governor of Aceh, held a series of discussions with government and civil society groups, and began a working group to draft a local Aceh law to establish a commission.⁴⁴ Through these two coalitions, civil society groups in Aceh and nationally began articulating the view that 'inseparable'⁴⁵ did not mean that the Aceh TRC could not exist without a national commission already in place. At the same time, a range of other civil society groups in Aceh documented cases, conducted training seminars on transitional justice for parliamentarians, former combatants and survivors, and continued to demand the establishment of the KKR Aceh. The KPK Aceh also argued for a local TRC before the national parliament in Jakarta in 2008, receiving a lukewarm reception.⁴⁶

41 On the cancellation of the original 2004 Truth and Reconciliation Commission Law, and some of the problems with the draft law, see Ehito Kimura, 'The Struggle for Justice and Reconciliation in Post-Suharto Indonesia,' *Southeast Asian Studies* 4, no. 1 (2015): 73–93, doi.org/10.20495/seas.4.1_73; International Center for Transitional Justice and KontraS, *Derailed*, 29–30.

42 International Center for Transitional Justice and KontraS, *Derailed*, 29.

43 On the work of the KKPK group, see, for example, Koalisi Keadilan dan Pengungkapan Kebenaran (KKPK), *Menemukan Kembali Indonesia: Suara Korban Membebaskan Belenggu Kekerasan Masa Lalu* [Reclaiming Indonesia: The Voices of Survivors Freeing the Chains of Past Violence] (Jakarta: KKPK), 2014. The KPK Aceh's coordinator was Hendra Budian. Key members included Afridal Darmi (head commissioner of the KKR Aceh during its first term), and a range of other Aceh civil society leaders, such as Evi Narti Zain, Samsidar, Faisal Hadi and Nursiti. Nursiti later established working groups in the KPK Aceh to deal with separate substantive matters, such as survivor organising, and a lobbying and advocacy group (interview with Samsidar, 27 May 2019).

44 See Ross Clarke, Galuh Wandita and Samsidar, *Considering Victims: The Aceh Peace Process from a Transitional Justice Perspective*, Occasional Paper Series, International Centre for Transitional Justice (Jakarta: International Center for Transitional Justice, January 2008), 41, ictj.org/sites/default/files/ICTJ-Indonesia-Aceh-Process-2008-English.pdf.

45 Law on the Governing of Aceh/LoGA (Law 11/2006), Article 229.

46 'DPR: KKR Aceh Bukan Prioritas Politik [National Parliament: Aceh TRC Not a Political Priority],' *Liputan6.com*, 22 January 2008.

At the national level, the KKPK conducted their parallel campaign, pushing for a redraft of the annulled national TRC Law. The KKPK created a policy brief on a national truth commission, outlining the design of a new law and, working with Indonesia's Ministry of Human Rights and Law, conducted numerous workshops, seminars and discussions. The ministry also hired a number of civil society leaders as experts to assist in drafting a new national TRC Law.⁴⁷ Despite these efforts, the proposed new legislation never gained the support of any major political party, and the drafted legislation has yet to be proposed in Indonesia's national parliament.

The dominant view, shared by many lawmakers, was that the demise of the national TRC meant that there could not be a local truth and reconciliation commission in Aceh. In his remarks to commemorate two years of the Helsinki Peace Agreement in Banda Aceh in 2007, for example, the then governor of Aceh, Irwandi Yusuf, stated that 'the obstacle to the establishment of the [Aceh] TRC is the annulment of the national TRC Law by the Constitutional Court'.⁴⁸ Reacting to pressure from civil society, Irwandi did agree to establish a team in 2007 to discuss a truth commission, but as one leading figure in Aceh's civil society coalition put it, 'this effort met a dead-end; it did not continue'.⁴⁹

With both the Aceh provincial and national governments clearly uninterested in pursuing transitional justice mechanisms in the first few years following the peace deal, civil society groups needed to strategise. Khairani, a key member of the KPK Aceh, recalled how civil society looked at the options on the table and made a conscious decision to prioritise truth-seeking:

We chose the TRC because we [thought] that this is the most reasonable mechanism to fulfil the rights of victims ... This makes the most sense because we do not have to focus on finding the perpetrators, [identifying] who are the perpetrators, where they are, but we focus on the rights of the victims.⁵⁰

47 On the redrafted national TRC bill, and the ongoing delays to its legislation, see Nukila Evanty and Annie Pohlman, 'After 1965: Legal Matters for Justice?' in *The Indonesian Genocide of 1965: Causes, Dynamics and Legacies*, ed. Katharine McGregor, Jess Melvin, and Annie Pohlman (Cham: Palgrave Macmillan, 2018), 311–34, doi.org/10.1007/978-3-319-71455-4.

48 Detik.com, 'Dua Tahun Perjanjian Damai Helsinki Diperingati [Two Years of the Helsinki Peace Agreement Commemorated]', *detikNews*, 15 August 2007, news.detik.com/berita/d-817776/dua-tahun-perjanjian-damai-helsinki-diperingati.

49 Interview with Samsidar, 27 May 2019.

50 Interview with Khairani, 28 May 2019.

Civil society's efforts to draft a TRC Law galvanised public support for the issue. Khairani presided as 'commissioner' in 'a civil society version of the TRC focusing on the Simpang KKA [KKA Junction] massacre in North Aceh'. These initiatives, Khairani said, were 'all ideas tried out by civil society before being formally institutionalised by the government'.⁵¹ On 3 May 2010, under a large banner emblazoned with the words 'Truth for Our Future', survivors of the shootings at the KKA Junction (Simpang KKA) – a road intersection near the Kertas Kraft Aceh pulp mill in Lhokseumawe, North Aceh – testified in a public hearing organised by civil society groups. This event commemorated a massacre that occurred on 3 May 1999 where the military had opened fire on peaceful protesters, killing more than 40 civilians, including children. Approximately 1,000 people attended the event. Five civil society leaders took on the role of commissioners for the day, while five victims and witnesses spoke about the killings that had taken place exactly 11 years earlier. Members of the local government and parliament also attended, placing a stone to remember the exact location of the killings.⁵² As an international observer of the event remarked:

The civil society-led truth-telling initiative of 3 May 2010 was the first of its kind in Indonesia. It has provided room for victims to come forward and speak of their experiences in public. With their demands repeatedly ignored, victims in North Aceh have taken things into their own hands to demonstrate what a truth-seeking mechanism for Aceh could look like.⁵³

Taking inspiration from Aceh's Simpang KKA 2010 hearing, the KKPCK established a year-long, national, civil society-led truth-seeking process in 2012–13. Called the 'Year of Truth', this truth-seeking platform saw members of the KKPCK hold public hearings in Solo (Central Java), Palu (Central Sulawesi), Aceh and Jayapura (Papua), culminating in a four-day national hearing in Jakarta in November 2013.⁵⁴ Victims of human rights violations committed in Indonesia between 1965 and 2005 shared their testimonies at

51 Interview with Khairani, 28 May 2019.

52 For a discussion of the KKA Junction commemorations, which take place every year on the anniversary of the massacre, see Lia Kent, 'Transitional Justice and the Spaces of Memory Activism in Timor-Leste and Aceh,' *Global Security, Peace and Security* 31, no. 2 (2019): 181–99, doi.org/10.1080/14781158.2019.1588870.

53 Fabian Junge, 'Public Commemoration for Victims of the Aceh Conflict,' *Watch Indonesia*, 9 June 2010, watchindonesia.de/7720/public-commemoration-victims-aceh-conflict?lang=en.

54 On the Year of Truth campaign, see Indria Fernida, 'Calling for Truth about Mass Killings of 1965/6: Civil Society Initiatives in Revealing the Truth of Mass Killings of 1965/6 under the Transitional Justice Framework in Indonesia' (Master thesis, Norwegian Centre for Human Rights, Faculty of Law, University of Oslo, 2014); Annie Pohlman, 'A Year of Truth and the Possibilities for Reconciliation in Indonesia,' *Genocide Studies and Prevention* 10, no. 1 (2016): 60–78, doi.org/10.5038/1911-9933.10.1.1323.

these public forums. At the final national hearings in Jakarta, victims testified in front of a 'Citizen's Council', a committee of 22 prominent national figures. The KKPCK produced a final report based on the hearings, entitled 'Reclaiming Indonesia', which outlined patterns of violence against women, religious conflict, the exploitation of natural resources, military operations against civilians and the enduring culture of impunity in Indonesia. The report found evidence of crimes against humanity during these past periods of mass atrocities and made a series of recommendations to redress these crimes.⁵⁵ The launch of the report coincided with the swearing in of a new administration under President Joko Widodo in 2014, who had made numerous campaign promises to deal with past atrocities. The administration's political appetite for truth-telling or accountability measures quickly waned, however, and, to date, none of these promises have been fulfilled.

In spite of the unfavourable conditions at the national level, civil society groups maintained pressure on the Aceh government over the years following the annulment of the national TRC Law through a range of persistent efforts. During this phase of the peacebuilding process, none of the signatories to the peace agreement was seriously pursuing the implementation of its provisions for accountability. As Acehese civil society and women's rights activist Samsidar reflected:

Even though the establishment of the TRC was mentioned in the MoU, the Partai Aceh [Aceh Party, formed by GAM in 2007] [initially] was not interested in supporting this. Because they thought there was no advantage for them. Anything concerning victims did not come from the parties [of the peace agreement] but from civil society ... Anything with victim's rights was considered not profitable.⁵⁶

In 2010, the Finland-based non-government organisation Crisis Management Initiative (CMI), the group that had originally facilitated the Helsinki negotiations, conducted an evaluation of the unfinished or unimplemented parts of the 2005 MoU peace accord, with the goal of '[keeping] the follow-up process on track'.⁵⁷ The assessment focused on issues concerning which 'one

55 KKPCK, *Menemukan Kembali Indonesia*, 367–70.

56 Interview with Samsidar, 27 May 2019. For a discussion of the Aceh MoU and the LoGA (Law 11/2006), and some of the delays in drafting the KKR Aceh's legislation, see Titik Firawati, 'Reconciliation through Cooperation: The Case of Aceh,' in *The Promise of Reconciliation? Examining Violent and Nonviolent Effects on Asian Conflicts*, ed. Chaiwat Satha-Anand (New York: Routledge, 2016), 23–41, doi.org/10.4324/9781315134291.

57 Crisis Management Initiative (CMI), *Aceh Peace Process Follow-Up Project: Final Report*, 2012, cmi.fi/wp-content/uploads/2016/04/aceh_report5_web.pdf.

of the two signatory parties or both of them have raised concerns regarding their state of implementation'.⁵⁸ In the case of the promised Aceh Truth and Reconciliation Commission, the assessment by CMI helped to consolidate the view that a localised process still had value. The CMI found that:

The LoGA (article 230) foresees that details regarding structure, working procedures, personnel and finance of the TRC are to be regulated by *Qanun* (regional [by-]law of Aceh). As the LoGA provides the legal basis for the establishment of the TRC and the *Qanun* [the basis] for its technical details, various parties in Aceh – among them several CSOs [civil society organisations] and members of the DPRA [Dewan Perwakilan Rakyat Aceh, People's Representative Council of Aceh] – promote the establishment of the TRC in Aceh without waiting for a new law on the national TRC. A TRC established in this way would, however, lack the authority that it is supposed to have if its mandate is based on the national law as required by the LoGA. The parties in favour of this approach argue that a TRC established by *Qanun* could at least engage in recording cases of human rights violations, so that important information does not get lost in the course of time. The DPRA has therefore put the promulgation of a *Qanun* on the TRC on its legislative agenda for 2012.⁵⁹

An alliance with political parties: formalising a civic trust

Pablo de Greiff, the former United Nations special rapporteur on the promotion of truth, justice, reparation and guarantees of nonrecurrence, speaks about the concept of 'civic trust' – that is, a relationship built on trust between individuals, and between citizens and their public institutions.⁶⁰ Transitional justice seeks to promote civic trust – for example, through prosecutions, which 'promote civic trust by reaffirming the relevance of the norms that perpetrators violated', or through truth commissions, which:

58 CMI, *Aceh Peace Process*, 14.

59 CMI, *Aceh Peace Process*, 21.

60 Pablo de Greiff, 'Apologies in National Reconciliation Processes: On Making Trustworthy Institutions Trusted,' in *The Age of Apology: Facing Up to the Past*, ed. Mark Gibney et al. (Philadelphia: University of Pennsylvania Press, 2008), 120–36. See also Pablo de Greiff, 'Theorizing Transitional Justice,' in *Transitional Justice: NOMOS LI*, ed. Melissa Williams (New York: New York University Press, 2012), 31–77, doi.org/10.18574/nyu/9780814794661.001.0001.

can foster civic trust by responding to the anxieties of those whose confidence was shattered by experiences of violence and abuse, who are fearful that the past might repeat itself.⁶¹

In the case of Aceh, we argue that civil society leaders who subsequently entered Aceh's parliament, or were appointed as advisers in the legislation process, built on the civic trust that had burgeoned with the peace process. By holding these positions, civil society leaders in Aceh were the ones who enabled a 'slow-cook' process – that is, they kept the possibility of a truth commission on the agenda. This process eventually led to the creation of the KKR in Aceh, the Aceh Law on the Truth and Reconciliation Commission.⁶²

A turning point in the push for the KKR Aceh was the election of a new parliament in 2012. These elections brought younger legislators into the local parliament, alongside the former GAM leaders who had dominated the parliament in the previous session. Nurzahri from Partai Aceh, for example, was a relatively young new member of parliament who had joined the student-led referendum movement in the late 1990s.⁶³ Appointed as the chair of Committee 1 in the Aceh parliament (which had carriage of this legislative process), Nurzahri sought to complete the legislation process that would establish the provisions promised under the Helsinki Peace Agreement:

Looking for legal solutions, after reading and reviewing the law, especially Law No. 11 of the Aceh government or LoGA, I realised that the mandate to form the KKR Aceh was clearly ordered by the LoGA, and not related to the national TRC Law. The national TRC had no branches in any province, [and] although there are articles that link the Aceh TRC to the national TRC, the institutional formation of the Aceh TRC is very different.

Nurzhari invested time in educating the leadership of Partai Aceh about what a truth commission was, explaining that it was not a judicial body, although the 'information collected by the TRC could be referred to a human rights court'.⁶⁴

61 de Greiff, 'Theorizing Transitional Justice,' 46.

62 See, for example, the (unsuccessful) efforts in 2012 to have the *Qanun* passed by the Aceh parliament, 'Aktivis HAM Sesalkan Penundaan Ragan KKR [Human Rights Activists Regret Delay of KKR Bill],' *SerambiNews.com*, 15 September 2012, aceh.tribunnews.com/2012/09/15/aktivis-ham-sesalkan-penundaan-rajan-kkr.

63 Nurzahri had earlier participated in transitional justice education, including a seminar held by ICTJ in Singapore in 2011. Interview with Samsidar, 27 May 2019.

64 Electronic communication from Nurzahri, 29 May 2019.

Across the aisle, there were other allies for civil society on this issue. Some were former NGO activists who had entered politics, while others were those directly affected by the conflict.⁶⁵ One such supporter was Irwan Johan, the son of the former deputy governor of Aceh, Tengku Johan, who was assassinated in May 2001.⁶⁶ With the support of allies in both the dominant Partai Aceh and opposition parties, key civil society leaders (such as Ifdal Kasim, Hendra Fadli and Evi Narti Zain) were appointed as experts to the legislation process, allowing them to shift their focus onto drafting the local *Qanun* law for the Aceh parliament. Working with civil society again, the parliament's Committee 1, led by Partai Aceh, conducted a series of consultations, workshops and a study tour on truth commissions.⁶⁷

At the end of this collaborative work with civil society groups, the parliament finally passed the law to establish a local truth commission in November 2013, seven years later than promised by the peace agreement. It took another three years for a panel to be formed and given the task of facilitating a public selection process. In October 2016, seven commissioners were finally sworn in.

In terms of the substance of the *Qanun* that established the KKR Aceh, the Aceh TRC Law (*Qanun Aceh* No. 17 of 2013), many of the provisions drafted by civil society were included, such as:

- a localised truth-seeking process that was designed and implemented in Aceh, with the main goal being to document victims' stories and hopes
- acknowledgement of the victims' right to justice, making provisions for referral for future possible legal measures against perpetrators of human rights violations⁶⁸
- a focus on collecting victims' testimonies, without jurisdiction over persons or institutions outside Aceh

65 Interview with Hendra Fadli, 30 May 2019.

66 Electronic communication from Samsidar, 30 May 2019.

67 The *Qanun* was initiated by a faction in Partai Aceh led by Tgk. Ramli and by Nurzahri, Tgk. Harun and Abdullah Saleh in Committee 1, along with Ermiadi, all of whom were members of parliament at the time.

68 Specifically, in Article 16, on 'reporting', point 4(d) states that 'In its reports, KKR Aceh must provide recommendations for ... legal measures against perpetrators of human rights violations'; and Article 48, point 2 states that 'gross human rights violations that have been resolved by KKR Aceh can continue through legal mechanisms'.

- a human rights approach mandated to look at violations committed by all sides in the conflict
- an emphasis on district-level activities to ensure grassroots participation in the KKR Aceh's activities
- urgent reparations for vulnerable victims, including victims of torture, sexual violence and those disabled
- a voluntary, community-based reconciliation process between local perpetrators and victim communities.⁶⁹

One particular element of the *Qanun* establishing the KKR Aceh related to its status as a permanent institution. According to Nurzahri, the parliament made the decision to make the KKR Aceh permanent to ensure a long-term approach to reconciliation.⁷⁰ This was a significant departure from the standard design of truth commissions, which are usually mandated to operate within a set time period.⁷¹ This innovation was an interesting approach for the parliament to take, as many recommendations made by truth commissions have ongoing impacts for decades after. As a permanent body, the KKR Aceh has the potential to implement long-term goals of repair and reconciliation, after the truth-seeking process.

This shift in support for a local truth commission after the 2012 elections was reflected in a keynote address given in 2017 by the then Aceh governor, Irwandi Yusuf, in which he gave his support for the commission:

Because this TRC was established by Acehnese Law (*Qanun Aceh*), the Aceh Government is obligated to communicate with the Central Government, especially concerning the work of the TRC that was born from the Indonesian-GAM peace process. Therefore, in carrying out its tasks, the TRC, especially the commissioners, are truly protected by all parties ... Conducting the work of the TRC is a heavy burden the commissioners must carry because this work is to speak about past human rights violations in which the perpetrators were the parties fighting each other – the Indonesian army/police and GAM. This is very serious work because it means talking about past wounds in order to make straight the historical record and realise justice for victims. Furthermore, the work of the TRC will

69 For more on the KKR Aceh's mandate, see Otto Syamsuddin Ishak, *Komisi Kebenaran Aceh: Mewujudkan Nilai Maqasid Syariah* (Banda Aceh: Bandar Publishing, 2017), 193–219.

70 Electronic communication from Nurzahri, 29 May 2019.

71 Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd ed. (New York: Routledge, 2010), 215–16, doi.org/10.4324/9780203867822.

be a reference for the Government to conduct institutional reforms and a reference for all parties in order to prevent repetition of the violence.⁷²

Civil society as midwife to the KKR Aceh, then and now

The case of Aceh shows clearly how dynamic (and, indeed, determinative) civil society groups can be in transitional justice contexts. Looking back at the decade-long delay (2006–16) between the promise of a truth commission and its eventual commencement, it is clear also that the actions and strategies of Aceh's civil society were compelled by the need to find creative ways to achieve their desired ends. To push for a truth-telling mechanism, they needed to develop a creative, locally shaped model that could contribute to peacebuilding in Aceh. From advocating for reparations and assisting victims, to creating local memorials, to empowering victims to be engaged in discussions about transitional justice options, civil society groups paved the way for imagining how a truth commission could work in Aceh. Once the Aceh parliament passed the law establishing the TRC in 2013, it was again civil society groups who pushed for the mechanisms to begin setting up the commission, such as by helping to form the panel that then selected the commissioners.

Once the KKR Aceh had finally commenced its first term in 2016, however, these same civil society groups continued to play a central role in supporting and enabling the commission's work. Indeed, in Aceh, as in many transitional justice contexts around the world, civil society's role can often transform throughout the life of a truth commission. As Priscilla Hayner has remarked, part of civil society's dynamism is reactive to the performance of any truth commission. As Hayner explains, civil society should push:

to expand its reach or change its operating policies, press the government to release files and cooperate fully with investigations, and encourage potential donors to provide support ... [and demand] the production of more accessible versions of the [commission's] report, or wider distribution of the full report.⁷³

72 Irwandi Yusuf, keynote address, 'The Role of Truth in Strengthening Peace,' Public Seminar, 12 October 2017, Banda Aceh, held by the Transitional Justice Asia Network (TJAN) and Asia Justice and Rights (AJAR). For a report on the conference, go to: asia-ajar.org/wp-content/uploads/2018/04/Aceh-Public-Seminar-October-2017-Activity-Report.pdf.

73 Hayner, *Unspeakable Truths*, 224.

Over the nearly five years of the KKR Aceh's first term (which ended in late 2021), civil society in Aceh has adapted and changed its roles, particularly in its supportive functions that have enabled some of the core work of the commission. Much of this work has been in the area of collecting stories from survivors of the conflict, enabling supportive mechanisms for survivor communities and pushing for repair.

As in many postconflict settings, civil society groups in Aceh have played a key role in developing and delivering support and reparations programs for victims. As has been the case in many of these settings, this support can include providing urgent assistance, or building local memorials and other remembrance efforts, both by pressing governments to take action or by developing projects on their own when the government does not act.⁷⁴ As David Crocker explains, more specifically: 'Civil society can play an important role in deliberating about, formulating and prioritising goals, and forging measures to realise them.'⁷⁵ This applies especially in the areas of obtaining the truth about past violations, supporting investigations, assisting victims, organising strategies to raise public awareness and mounting campaigns in support of these goals.

In Aceh, the urgency in the situation of victims pushed civil society to focus on different forms of reparations. As early as 2008, well before the establishment of the KKR Aceh, a group of women's organisations developed a design for urgent reparations to focus on victims of sexual and gender-based violence.⁷⁶ This group of women's NGOs had formed in response to the findings of a 2007 report compiled by Komisi Nasional Anti Kekerasan Terhadap Perempuan (Komnas Perempuan, National Commission on Violence against Women), which had documented 103 cases of gender-based violence during military actions in the province between 1999 and 2005.⁷⁷ The group designed a holistic program for women survivors

74 See Eric Brahm, 'Transitional Justice, Civil Society, and the Development of the Rule of Law in Post-conflict Societies,' *International Journal of Not-for-Profit Law* 9, no. 4 (2007): 62–72.

75 Crocker, 'Transitional Justice and International Civil Society,' 503.

76 This group of NGOs focused on urgent reparations for victims of sexual and gender-based violations, and included LBH-APIK Aceh (Women's Legal Aid Foundation, Aceh), RPuK (Women Volunteers for Humanity), KontraS Aceh (Commission for the Disappeared and Victims of Violence, Aceh), PASKA Pidie (a women's NGO based in Pidie), Balai Syura (another local women's NGO), Kelompok Kerja Transformasi Gender Aceh (KKTGA, Working Group for the Transformation of Gender in Aceh), the National Commission on Violence Against Women (Komnas Perempuan) and the International Center for Transitional Justice (ICTJ).

77 Pelapor Khusus Komnas Perempuan [Komnas Perempuan Special Investigator], *Pengalaman Perempuan Aceh Mencari dan Meniti Keadilan dari Masa ke Masa [Experiences of Acehnese Women Seeking and Accessing Justice from One Era to the Next]* (Jakarta: Komnas Perempuan 2007).

that included referrals for services, small grants and collective memory projects. Although some local officials were receptive to the needs that these programs aimed to fulfil, there was little political will to implement the group's recommendations. Instead, local NGOs implemented many of these programs as part of their own community-based work.

The work of local Acehnese civil society groups remains essential to facilitating, and complementing, the KKR Aceh's activities. These groups carry out a wide range of programs, some together with the KKR Aceh, some alongside the commission. One example of these programs, and the groups that implemented them, was the Relawan Perempuan untuk Kemanusiaan (RPuK, Women Volunteers for Humanity). As part of the KKPK's efforts to provide victims with access to public services under 'social inclusion' programs, RPuK reached out to hundreds of victims. The RPuK program attempted to counter some of the isolation experienced by victims, enabling them to attain official documentation (such as ID cards), and facilitating regular meetings with local authorities and, importantly, a younger generation of volunteers.⁷⁸

The community-based NGO, Pusat Kegiatan Sosial Ekonomi Aceh (PASKA Aceh, the Aceh Centre for Social and Economic Activity), also assisted survivors to access services, organising participatory action research, documentation, trauma support and assistance for survivors in planting a collective garden with support from the United Nations (UN) Trust Fund for Victims of Torture. This group of more than 30 torture survivors remain very active, and in 2018 they organised a commemoration at the site of a house that had been used as a torture centre during the conflict (Rumoh Geudong).⁷⁹ PASKA Aceh now works to support the KKR Aceh, particularly by working with survivor communities to facilitate statement-taking, and on preparing a submission on torture for the commission.⁸⁰

78 Across the whole 'Peduli Program' (Program Care) run by the KKPK coalition, more than 5,700 survivors from across Indonesia took part. Approximately 52 per cent of these participants were women. Participants took part in an informal discussion with the evaluation team, work that was supported by a grant from the Coordinating Ministry of People's Welfare in December 2018. This program was originally funded through a World Bank project on social inclusion and continues to receive some funding from the Australian government.

79 On the commemoration at the former Rumoh Geudong torture centre, see 'Nurturing Memory through the Rumoh Geudong Monument in Aceh, Indonesia,' *AJAR*, 26 July 2018, asia-ajar.org/2018/07/rumoh-geudong-monument-aceh-indonesia/. The torture used at the Rumoh Geudong centre is briefly discussed in Chapters 6 and 8 of this volume.

80 On the statement-taking work of the commission, see Chapter 5 of this volume.

Critical to supporting the KKR Aceh's mandate has been the key role played by other local Acehnese NGOs such as PASKA Aceh in connecting victims with support services – for example, through the national Lembaga Perlindungan Saksi dan Korban (LPSK, Agency for the Protection of Witnesses and Victims), which has a mandate to provide psychosocial and medical health support to victims of human rights violations.⁸¹ To date, the LPSK has provided limited interim assistance to thousands of victims, whose cases have been investigated by Komisi Nasional Hak Asasi Manusia (Komnas HAM, Indonesian National Human Rights Commission), providing them with free health care and social support for a six-month period. While an important measure, the six-month assistance is insufficient to address the complex needs, particularly of elderly survivors of torture and other serious human rights violations. Other groups have also worked with survivors to assess their needs and hopes for reparative measures, such as the local NGO, YPHAM (Human Rights Care Foundation), which conducted a project with survivors to investigate their hopes for reparations.

A range of other civil society groups have also carried out various truth-telling and commemoration activities over the past decade. These memory-based projects have shown that speaking openly about the past does not endanger peace. One such project focused on memorialising those who were 'disappeared' during the conflict was organised in March 2011 by a group of local NGOs.⁸² The Lembaga Bantuan Hukum Banda Aceh (LBH Banda Aceh, Banda Aceh Legal Aid Institute) worked with survivors to create a virtual map of military posts and sites of massacres during the conflict. Community memorials play a large role in the commemorative work facilitated by Aceh's local NGOs. Over the last decade, memorials have been erected by these groups at the sites of massacres, such as at the Simpang KKA in North Aceh and in Jambo Keupok in South Aceh. These memorial sites have become the scene of annual commemorative ceremonies – again, activities facilitated by the local NGO community.

81 The LPSK's current mandate is contained in Law No. 31 of 2014, which expanded on the original Law that established the agency (Law No. 13 of 2006 on the Protection of Witnesses and Victims).

82 This commemoration activity was run jointly by KontraS Aceh, Komunitas Tikar Pandan Aceh, Lembaga Bantuan Hukum Banda (the Legal Aid Foundation) and ICTJ.

Civil society in the KKR Aceh: commissioners, staff and programs

Undeniably, the KKR Aceh only came into being due to the persistence and creative strategising of a large number of civil society actors over more than a decade. The central role of civil society in shaping the KKR Aceh and its work, however, is further reflected in the membership of the commission itself. In Aceh, as indeed in many other contexts, the close relationship between civil society and truth commissions may result in civil society leaders serving as commissioners or staff of those commissions.⁸³ This has clearly been the case in Aceh, where most commissioners selected for the KKR Aceh's first term (2016–21) were from the same civil society groups that had pushed for the establishment of the commission, such as Afridal Darmi (from the Banda Aceh Legal Aid Foundation), Evi Narti Zain (Aceh Human Rights NGO Coalition), Muhamad Daud Berueh (KontraS), and Masthur Yahya (from a range of NGO groups). The remaining commissioners – Ainal Mardiah, and Fuadi Abdullah – are from academic backgrounds, and also have experience with a range of NGOs.

The insertion of civil society group leaders – all of whom had been strong proponents for the commission in the decade prior – has facilitated an ongoing relationship between civil society groups and the KKR Aceh. This relationship became critically important early on, when the KKR Aceh was first founded in 2016. In the first few months of its establishment, the commission benefited from the support of then Governor Zaini Abdullah's administration. However, Zaini's party (Partai Aceh) lost in the 2017 gubernatorial elections. The new governor, Irwandi Yusuf (from the Aceh Nanggroe Party, which was formed from a split within Partai Aceh), initially expressed his scepticism about the value of the KKR Aceh, believing that accountability efforts were the responsibility of the national government. Without the support of the governor, the necessary steps and financial backing to enable the KKR Aceh to begin its work floundered. While a small budget had been approved for the first year of the commission (2016–17), this initial funding was less than 15 per cent of what had been requested by the commissioners.⁸⁴ Thus, in the early months of its life, the KKR Aceh had almost no funds for its program work. In particular, the lack

83 Brahm, 'Transitional Justice,' 64–65.

84 The commissioners had requested Rp 21 billion (approximately US\$750,000) but were awarded Rp 3 billion in 2017; see Kent and Affiat, 'Gambling with Truth,' 175.

of funding meant that there was little funding to employ members of the essential teams of the commission, and almost no infrastructural resources to support their work.

In response to this situation, civil society groups stepped in quickly, enabling the KKR Aceh to start fulfilling its core truth-finding mandate. First, they undertook to help the commission to develop its standard operating procedures and provided staff members who were seconded to the KKR Aceh's vital statement-taking team. This team, as Atikah Nuraini, Dodi Yuniar, Fitriani and Oni Imelva explain in Chapter 5, began the important work with survivors, taking witness statements. Next, these same civil society groups took on a central role in facilitating the KKR Aceh's key outreach activities. It was through the relationships that these civil society groups had nurtured and developed over many years, and the collaboration of staff from the NGOs with the KKR Aceh, that the commission's staff connected with communities. These outreach activities with communities aimed to build trust in, and understanding of, the KKR Aceh's mandate, and to encourage participation and feedback in the commission's work. In addition, civil society members working with the commission played a crucial role in preparing the first major public event held by the KKR Aceh, which was the first public hearing testimony forums, held in October 2018. This event was the first of the major annual public hearings held by the KKR Aceh, in addition to a range of district-based truth-telling events held throughout the province.⁸⁵ For each of these events, civil society partners of the KKR Aceh worked with the commission for both organising and outreach purposes, including awareness-raising with survivor communities about the purpose and outcomes of these events.

In these ways, the work by civil society both alongside and inside the KKR Aceh shows how dynamic and responsive their roles can be in Aceh's transitional justice context. Ten years of lobbying and organising to bring about the commission was one achievement, but once it finally came about, there was more work to be done. By stepping up to support the KKR Aceh when it was underfunded and understaffed, it was these same civil society groups, not the state, that once again became the driver for truth-telling and accountability in Aceh.

85 These events are discussed further in Chapter 5 by Nuraini, Yuniar, Fitriani and Imelva.

Civil society as midwife to transitional justice: lessons from Aceh

In contexts where accountability is not fully supported by the state, or the state's commitment continues to be in flux, the role of civil society is critical. As the case of Aceh so clearly demonstrates, not only must civil society maintain pressure on governments to ensure that the state actually follows through on creating mechanisms to facilitate accountability – in this case, a truth and reconciliation commission – but also to strengthen the performance of those mechanisms, by supporting their functions.

In Aceh, the promise for accountability in the 2005 peace agreement provided a framework that enabled a decade-long campaign by a broad coalition of civil society groups to push for accountability. One side of the peace agreement – the Republic of Indonesia – had made early attempts to establish a national truth and reconciliation commission prior to the peace agreement, but this commission never came to pass, and other efforts to deal with past violence stalled. Once the other signatory of the peace agreement – former members of GAM, the Free Aceh Movement – were committed to its implementation, civil society was able to work with them to develop a successful strategy to establish a truth-seeking mechanism in a context in which impunity has become deeply entrenched.

Our examination of the roles that civil society has played in transitional justice in Aceh supports some of the more recent research in this area, particularly on contexts in the Asia-Pacific region, showing that civil society groups should never be relegated to the position of mere 'intermediaries' or 'handmaids' to what are usually state-determined transitional justice mechanisms.⁸⁶ Rather, we have shown how the role of Aceh's civil society in affecting both the establishment and shape of transitional justice mechanisms in that province has been determinative rather than simply responsive. While undeniably working in support of liberal-democratic norm-building, Aceh's civil society transformed its role from that of handmaid to these norms, which have come to exist alongside Indonesia's enduring culture of impunity and refusal to deal with past wrongs. Instead, Aceh's civil societies organised and, through persistent work, took on the role of midwife to achieve truth-telling and accountability in Aceh; they have been the drivers for change, the enablers of the commission's establishment and the backbone of its ongoing work.

86 See Gready and Robins, 'Rethinking Civil Society and Transitional Justice,' 957; Sharp, *Rethinking Transitional Justice*.

4

Transitional justice and political settlement: GAM and the KKR Aceh

Lia Kent and Rizki Amalia Affiat

In a 2016 interview, Irwandi Yusuf, former governor of Aceh and senior figure in the Gerakan Aceh Merdeka (GAM, Free Aceh Movement), expressed his scepticism about the recently established Komisi Kebenaran dan Rekonsiliasi (KKR Aceh, Truth and Reconciliation Commission in Aceh). Arguing that it was the responsibility of the national rather than the provincial government to establish a truth commission to address the violence committed during the decades-long conflict in Aceh (1976–2005), he predicted that the provincially mandated KKR Aceh would ‘stumble’. It would be ‘one-sided’ because it would focus principally on GAM violence and GAM perpetrators, causing issues associated with the conflict to resurface. The commission would also ‘revictimise victims’, as it would be unable to compel perpetrators to appear at public hearings to confess and apologise. The Acehnese government, he said, ‘should avoid it at all costs’.¹

Irwandi’s ambivalence towards the KKR Aceh, which was shared by several other former senior GAM leaders we interviewed, is intriguing at first glance. Human rights discourse was a powerful mobilising element of GAM’s domestic and international campaigning during the conflict, and provisions relating to both a human rights court and a truth and

1 Interview with Irwandi Yusuf, February 2016, Banda Aceh.

reconciliation commission (TRC) were included in the memorandum of understanding (MoU) signed by the Indonesian national government and GAM in Helsinki in 2005, which GAM has subsequently lobbied hard to uphold.² In this chapter we unpack GAM's ambivalence towards the KKR Aceh by situating it in the context of ongoing negotiations about, and rearrangements of, political, social and economic power in Aceh since the Helsinki Peace Agreement. We also examine this ambivalence in the light of Indonesia's partial and halting transition from authoritarian rule to an era of Reformasi that began in 1998.

This chapter draws on interviews with members of civil society organisations, former GAM leaders and KKR Aceh members, and an analysis of documents and media reports.³ Conceptually, we are indebted to recent scholarly work on *political settlement*. While the concept of political settlement remains somewhat 'unsettled',⁴ in a broad sense it refers to the 'forging of a common understanding, usually between political elites, that their best interests or beliefs are served through acquiescence to a framework for administering political power'.⁵ A political-settlement lens has proved useful in analyses of fragile and conflict-affected societies, as it helps to capture the essentially political nature of state-building and peacebuilding. In essence, it enables a focus on not only formal institutions for managing political and economic relations, but also 'informal, often unarticulated agreements that underpin a political system, such as deals between elites on the division of spoils'.⁶

Conceptualising transitional justice as part of the process of forging a political settlement means recognising the significant influence of the *context* of conflict resolution and transition. This includes acknowledging

2 'Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement,' signed by Hamid Awaludin on behalf of the Government of the Republic of Indonesia and Malik Mahmud on behalf of the Free Aceh Movement, Helsinki, Finland, 15 August 2005, acehpeaceprocess.net/pdf/mou_final.pdf.

3 This research was conducted between 2016-2019 and was supported by Lia Kent's ARC Discovery Early Career Research Award (DE150100857). Most interviews were conducted by Lia Kent and Rizki Amalia Affiat. The authors would like to thank Putra Hidayatullah for conducting additional interviews in 2018 and 2019.

4 Sue Ingram, 'Political Settlements: The History of an Idea in Policy and Theory,' *SSGM Discussion Paper* 5, 2014: 1-17, openresearch-repository.anu.edu.au/bitstream/1885/12211/1/Ingram%20Political%20settlements%202014.pdf.

5 Jonathan di John and James Putzel, 'Political Settlements: Issues Paper,' (Governance and Social Development Resource Centre, Department for International Development, Birmingham, 2009), 4, gsdrc.org/wp-content/uploads/2015/06/EIRS7.pdf.

6 Department for International Development, 'Building Peaceful States and Societies: A DFID Practice Paper,' (Department for International Development, London, DFID, 2010), 22, gsdrc.org/document-library/building-peaceful-states-and-societies-a-dfid-practice-paper/.

the degree to which political bargaining among a broad range of actors with different interests and incentives – including the state, nonstate armed groups, political parties, civil society actors, victims' groups and international donors – influences the shape of responses to dealing with the past.⁷ Situating the KKR Aceh in the context of ongoing processes of political bargaining enables a more finely grained appreciation of the dynamics that have shaped, give meaning to and constrain its operations.

In the first section of this chapter, we provide a brief overview of recent scholarship on transitional justice and political settlement. We then examine how ongoing political bargaining since the signing of the Helsinki MoU has influenced transitional justice developments in Aceh. In the next section, we consider how developments in the national Indonesian context have further complicated the pursuit of transitional justice in Aceh. We then consider, in the final section, the extent to which this blend of national and local dynamics has contributed to the current, constrained model of the KKR that exists in Aceh, and has informed GAM ambivalence towards it.

Transitional justice and political settlements

In her recent work, legal academic Christine Bell grapples with the question of 'why transitional justice mechanisms with similar features play out quite differently' when they are implemented.⁸ Part of her answer is that transitional justice processes unfold in diverse political contexts where they 'connect differently with ongoing political bargaining over access to power'.⁹ A key point of contrast concerns whether a society is emerging from protracted conflict or undergoing a transition from authoritarianism to democracy. While transitions from authoritarianism to democratic rule tend to rest on widespread understandings about the direction in which the transition is heading, in societies emerging from conflict, transitional justice processes are likely to become entangled in ongoing processes of political

7 Roger Duthie, 'Introduction,' in *Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies*, ed. Roger Duthie and Paul Seils (New York: International Center for Transitional Justice, 2017), 12.

8 Christine Bell, 'Contending with the Past: Transitional Justice and Political Settlement Processes,' in *Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies*, ed. Roger Duthie and Paul Seils (New York: International Center for Transitional Justice, 2017), 85. Bell's question is, in fact, the central question underlying this edited volume.

9 Bell, 'Contending with the Past,' 85.

bargaining that have uncertain outcomes and entail compromises in terms of both democracy and human rights outcomes.¹⁰ A central preoccupation is how to get military-political elites (generally the conflict protagonists) to come to a power-sharing agreement. How to balance delivering 'justice' with maintaining the 'peace' often emerges as a central (albeit simplistic) concern in such processes.¹¹

Another factor that can influence transitional justice outcomes concerns the process through which a conflict is brought to an end. In comparison to conflicts that end through an outright victory of one side over another, conflicts that end through negotiated transitions are more likely to be marked by negotiation, political bargaining, contestation and compromise (including over questions of accountability and truth-seeking). There is no 'clean break' with the past in such contexts; they create new governance structures in which conflict protagonists often continue to exercise power in some form and seek to pursue their 'core conflict goals' through different means.¹²

Bell and other scholars writing on these themes argue that insufficient attention has been paid to the ways in which political contexts and diverse political-bargaining dynamics influence transitional justice outcomes. This is, in part, because transitional justice is often understood as consisting of a standardised toolkit of interventions designed to deliver truth or justice, and one that can be applied across diverse contexts.¹³ They argue that there is a need to move away from this kind of thinking and appreciate how different kinds of transitions will give rise to specific challenges when it comes to space for advocating for justice and change.¹⁴

10 Bell, 'Contending with the Past,' 104.

11 See Christine Bell, 'The Fabric of Transitional Justice: Binding Local and Global Settlements,' *University of Edinburgh School of Law Legal Studies Research Paper*, 2016, 7. For an outline of the parameters of this debate and its shortcomings see Renée Jeffery, 'Amnesty and Accountability: The Price of Peace in Aceh, Indonesia,' *International Journal of Transitional Justice* 6, no. 1 (2012): 60–82, doi.org/10.1093/ijtj/ijr027.

12 Bell, 'Contending with the Past,' 104.

13 This toolkit approach has been widely critiqued. See, for example, Jelena Subotić, 'The Transformation of International Transitional Justice Advocacy,' *International Journal of Transitional Justice* 6, no. 1 (2012): 106–25, doi.org/10.1093/ijtj/ijr036; Anna MacDonald, 'Somehow This Whole Process Became so Artificial: Exploring the Transitional Justice Implementation Gap in Uganda,' *International Journal of Transitional Justice* 13, no. 2 (2019): 225–48, doi.org/10.1093/ijtj/ijz011; Lia Kent, *The Dynamics of Transitional Justice: International Models and Local Realities in East Timor* (London: Routledge, 2012).

14 See, for example, Duthie, 'Introduction,' 20; Lisa Denney and Pilar Domingo, 'Local Transitional Justice: How Changes in Conflict, Political Settlement and International Development are Reshaping the Field,' in *Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies*, ed. Roger Duthie and Paul Seils (New York: International Center for Transitional Justice, 2017), 202–33.

These insights provide a useful starting point from which to reflect on debates and developments regarding transitional justice in Aceh (see also Chapter 2 of this volume). Seen through a political settlement lens, a defining feature of transitional justice debates in Aceh is that, as noted by Edward Aspinall and Fajran Zain, they have emerged within, and have been complicated by, two ‘transitions’.¹⁵ The first is the negotiated transition that ended the decades-long conflict in Aceh, and which took place after the signing of the Helsinki MoU. The second is Indonesia’s transition from authoritarianism to democracy, which has been partial, halting and incomplete.

The peace agreement and the political economy of postwar transition

The Helsinki Peace Agreement of 2005 is a crucial point of reference for understanding the trajectory of the transitional justice process in Aceh. Occurring after several failed peace negotiations, the negotiated settlement reached at Helsinki succeeded in part because of GAM’s willingness by that point to give up its long-standing goal of an independent Aceh in exchange for an extended form of special autonomy within Indonesia.¹⁶ Critically, then, the provisions on transitional justice in the MoU – which provided for a TRC and a human rights court – need to be understood as part of a negotiated transition in which the extent of power and authority that would be held by the province in the new governance arrangements were central issues.¹⁷

Viewed through a political settlement lens, what is surprising is that the transitional justice provisions in the MoU were seemingly uncontroversial; they were included after very little debate, and only as a last-minute

15 Edward Aspinall and Fajran Zain, ‘Transitional Justice Delayed in Aceh, Indonesia,’ in *Transitional Justice in the Asia-Pacific*, ed. Renee Jeffery and Hun Joon Kim (Cambridge: Cambridge University Press, 2013), 87–123, doi.org/10.1017/cbo9781139628914.

16 Edward Aspinall, ‘Special Autonomy, Predatory Peace and the Resolution of the Aceh Conflict,’ in *Regional Dynamics in a Decentralized Indonesia*, ed. Hal Hill (Singapore: Institute of Southeast Asian Studies, 2014), 464, doi.org/10.1355/9789814519175.

17 Key provisions in the MoU include: point 2.2: ‘A Human Rights Court will be established for Aceh,’ and point 2.3: ‘A Commission for Truth and Reconciliation will be established for Aceh by the Indonesian Commission of Truth and Reconciliation with the task of formulating and determining reconciliation measures.’

add-on.¹⁸ Some commentators suggest that for GAM negotiators, other issues, such as the establishment of political parties and security arrangements (including the number of military personnel to be deployed to the province) were simply more pressing.¹⁹ Jiwon Suh suggests that the Indonesian negotiating team, for their part, had learned from previous interactions with the international community that agreeing to some transitional justice provisions – at least on paper – would not harm their position and might help to prevent the imposition of stronger measures, such as an international criminal tribunal.²⁰

The Helsinki Peace Agreement has been merely one step in an ongoing process of political bargaining. It ushered in a period that is perhaps best described as a 'postwar transition' involving rapid and intense change.²¹ In this period, the MoU, along with Law 11/2006, the Law on the Governing of Aceh (LoGA), passed in 2006, have emerged as key reference points in GAM's negotiations with the Indonesian state over issues in the peace agreement perceived as outstanding – issues that, in turn, relate to tussles over the extent of the province's power and autonomy.²² In these negotiations, transitional justice provisions, which were peripheral in the Helsinki negotiations, have continued to be sidelined.

The marginalisation of transitional justice has been compounded by the specific dynamics of Aceh's postwar transition, which have enabled former GAM leaders to convert the power they held during the conflict into new political and economic gains.²³ As long-term Aceh analyst Edward

18 Edward Aspinall, 'Peace without Justice? The Helsinki Peace Process in Aceh,' (Report of the Centre for Humanitarian Dialogue, April 2008), 16, hdcentre.org/wp-content/uploads/2016/08/56JusticeAcehfinalrevJUNE08-May-2008.pdf. Indeed, interviews conducted by Aspinall for the Centre for Humanitarian Dialogue in 2007 suggest that neither the Indonesian nor the GAM side in the negotiations had a clear recollection as to how these provisions ended up in the peace agreement. See Aspinall, 'Peace without justice,' 16–17.

19 GAM was also concerned about amnesties for former GAM members (including those who were being investigated for crimes committed during the conflict and those already in detention): see Aspinall, 'Peace without justice,' 16. Amnesties are discussed further in Chapter 2 of this volume.

20 Jiwon Suh, 'Preemptive Transitional Justice Policies in Aceh, Indonesia,' *Southeast Asian Studies* 4, no. 1 (2015): 104, 96, doi.org/10.20495/seas.4.1_95.

21 See Bart Klem, 'The Problem of Peace and the Meaning of Post-war,' *Conflict, Security and Development* 18, no. 3 (2018): 233–55, doi.org/10.1080/14678802.2018.1468532.

22 Frequently raised issues are provisions relating to the Acehese flag, which are symbolically important to GAM's ongoing assertion of its legitimacy, and control over natural resources such as oil, gas and forestry. The latter issue is both economically and symbolically important in the wake of three decades of predatory resource extraction by the central state.

23 Aspinall, 'Special Autonomy,' 473. See also Terence Lee, 'Political Orders and Peace-Building: Ending the Aceh Conflict,' *Conflict, Security and Development* 20, no. 1 (2020): 115–39, doi.org/10.1080/14678802.2019.1705071.

Aspinall observes, provisions in the MoU permitting the establishment of local political parties in Aceh have allowed GAM to transform itself into a political force. By competing for power through elections, GAM has come to dominate the provincial parliament and several district legislatures. They have translated this dominance into economic benefits due to provisions in the LoGA that have led Aceh to become 'awash with government funds'.²⁴ These funds include sizeable 'special autonomy funds' for the province and an extra 2 per cent of Dana Alokasi Umum (block grant from the Indonesian government for the provinces) for 15 years (2008–23).²⁵ As provincial politicians, elite former GAM members have become key actors in the control and disbursement of these funds, enhancing their personal gain by entering into various rent-seeking and illicit fundraising opportunities.²⁶

Questions of transitional justice have been further disregarded due to GAM leaders' entering into mutually beneficial patronage relationships with the Indonesian political and military elite. The extent and scope of these relationships is evident in the results of the 2019 national and local elections. In the 2014 and 2019 presidential elections, Partai Aceh (PA, the main party into which GAM has transformed itself) supported Prabowo Subianto – the former son-in-law of the late authoritarian president Suharto and the commander of Indonesia's Komando Pasukan Khusus (Kopassus, Military Special Forces Command) during Aceh's Military Operation Zone – against the incumbent President Joko Widodo.²⁷ Prabowo also owns a share in PT Tusam Hutani Lestari (THL), a company that holds the cultivation rights to a total of 97,300 hectares in several districts in Aceh from 1997 until 2043.²⁸ In the 2019 presidential elections, Prabowo won 84 per cent of

24 Aspinall, 'Special Autonomy,' 461.

25 The special autonomy funds, which will continue until 2027, will see Aceh receive around Rp 78.6 trillion (US\$7.9 billion) – apart from the block grant (2 per cent of Dana Alokasi Umum). See Law on the Governing of Aceh/LoGA (Law 11/2006 of the Indonesian national parliament, *Undang-Undang Pemerintahan Aceh*) and Aspinall, 'Special Autonomy,' 461.

26 For details, see Aspinall, 'Special Autonomy,' 461. See also Lee, 'Political Orders'. Extortion by ex-combatants has also been found in relation to infrastructure projects, reintegration funds, and sub-district development programs. See Adrian Morel, Makiki Wratnabe and Rob Wrobel, 'Delivering Assistance to Conflict-Affected Communities: The BRA-KDP Program in Aceh,' *Indonesia Social Development Paper* 13 (Jakarta, World Bank, 2009); Benjamin Olken and Patrick Barron, 'The Simple Economics of Extortion: Evidence from Trucking in Aceh,' *Journal of Political Economy* 117, no. 3 (2009): 417–52, doi.org/10.1086/599707.

27 A second popular local party established by former GAM leaders, the Aceh National Party (PNA), supported the incumbent Joko Widodo in the presidential election.

28 See 'Jejak Sang Petarung,' *Serambinews*, 9 June 2014, aceh1/tribunnews.com/2014/06/09/jejak-sang-petarung (site discontinued; accessed 10 January 2020).

the votes in Aceh.²⁹ In local elections, PA formed a coalition with Prabowo's national party, Gerindra, to support their chosen candidates.³⁰ This coalition enabled Prabowo to win significant votes in the 2014 presidential election in Aceh, and this in turn provided a strong incentive to mobilise the PA political machine, and the momentum of rising Islamic populism, for the 2019 election.³¹

Global factors have also influenced Aceh's postwar transition and bolstered the economic and political status of former GAM leaders. Key among these is the influx of funds into Aceh for postconflict and post-tsunami reconstruction. Governments, non-government organisations (NGOs) and the private sector contributed millions of dollars through a Multi Donor Trust Fund overseen by the World Bank, and participated in the monitoring of the peace process.³² Even more significant was the international humanitarian response to the 2004 Boxing Day tsunami that occurred parallel to the postconflict reconstruction process and saw grants totalling more than US\$8 billion channelled through aid projects delivered by the Indonesian government, and international and national NGOs.³³ While these projects helped to reconstruct roads, houses, bridges, irrigation systems, clean water, health facilities and schools, they were criticised for being based on limited consultation with Acehnese communities, benefiting, benefiting former high-ranking GAM leaders while overlooking lower-level combatants and victims of the conflict, and building community and NGO reliance on short-term, donor-based programs in ways that eroded

29 See Irman Yusuf and Fardah, 'Prabowo Subianto Calls Aceh People a National Inspiration,' *Antara News*, 3 May 2019, en.antaranews.com/news/124798/prabowo-subianto-calls-aceh-people-a-national-inspiration.

30 The relationship between Muzakir Manaf, the chairman of PA, and Prabowo was cemented in 2013 when Manaf became the chairman of the Aceh branch of the Gerindra Advisory Board.

31 Some respondents put these alliances down to pure pragmatism. As a national party, Gerindra opens up space for PA to manoeuvre and have an influence on a national political stage. Others suggested that they reflect the ability of PA and Gerindra to harness Islam as a political tool to gain votes from the Acehnese population, including from a majority of *ulama* (Islamic leaders). The Prabowo team showed its ability to appeal to a mass support base in Aceh by adopting an Islamic populism persona, which contrasted with Joko Widodo's strategy. Others suggested that the fact that both PA and Gerindra are comprised of former combatants facilitates mutual understanding. That Gerindra gained many votes amongst the Acehnese population also indicates the degree to which ordinary people continue to follow GAM leaders, especially when such leaders claim to have 'brought the peace', and there are threats that voting the 'wrong way' could lead to future conflict.

32 Bobby Anderson and Chris Rosado, 'Searching for the Impacts of Community Driven Development Projects in Post-conflict Aceh, Indonesia,' (Paper presented at the International Conference on Aceh and Indian Ocean Studies, Lhokseumawe, Aceh, Indonesia, June 2013).

33 Anderson and Rosado, 'Searching for the Impacts'; Carla Kweifio-Okai, 'Where Did the Indian Ocean Tsunami Aid Money Go?' *The Guardian*, 25 December 2014, theguardian.com/global-development/2014/dec/25/where-did-indian-ocean-tsunami-aid-money-go.

local capacities.³⁴ The ability of former GAM leaders to arrange the hiring of former combatants by government agencies involved in the distribution of funds has exacerbated inequalities and further elevated the power and status of these leaders.³⁵

A further by-product of postconflict and post-tsunami relief and development programs was the introduction of investment by-laws, land titling and land distribution packages. Instead of delivering promised benefits to Acehese smallholders, these laws and packages hastened the conversion of land into palm oil plantations.³⁶ As the global market demand for palm oil grew, oil palm production became a lucrative industry in Aceh, and provincial governments increasingly promoted plantations to the detriment of smallholders.³⁷ The unprecedented acceleration of resource extraction in Aceh created new modes of production, fostering new social relations and introducing new tensions. Former GAM leaders – now provincial political leaders – have capitalised on these developments by entering into alliances with the old plantation elite.³⁸

34 See, for example, Arno Waizenegger and Jennifer Hyndman, 'Two Solitudes: Post-tsunami and Post-conflict Aceh,' *Disasters* 34, no. 3 (2010): 787–808, doi.org/10.1111/j.1467-7717.2010.01169.x; Nicholas A. Phelps, Tim Bunnell and Michelle Ann Miller, 'Post-disaster Economic Development in Aceh: Neoliberalization and Other Economic-Geographical Imaginaries,' *Geoforum* 42 (2011): 420, doi.org/10.1016/j.geoforum.2011.02.006; Jesse Grayman, *Community Perceptions of the Peace Process: Eleven Case Studies for the Multi-Stakeholder Review of Post Conflict Programming in Aceh (MSR)* (Jakarta: World Bank and Australian Agency for International Development, 2009).

35 See Lee, 'Political Orders and Peacebuilding,' 128. Lee notes that 'approximately 500 former GAM members were employed in BRR, constituting about 10 to 20 percent of BRR staff.'

36 Booming palm oil businesses in Aceh led to land conversion and privatisation, and opened frontiers such as peatland and forest. GAM ex-combatants involved in Partai Aceh and its Aceh Transitional Committee (KPA, Komite Peralihan Aceh) engaged in political and economic manoeuvres centred on the creation of livelihood for their members and constituents. This situation accelerated the pace of lucrative industries such as palm oil plantations and mining. In Central Aceh, GAM ex-combatants were allocated land but then sold it within a year, demanding more land. See Ben Block, 'Global Palm Oil Demand Fueling Deforestation,' *Environmental News Network*, World Watch, 13 April 2009, enn.com/articles/39655-global-palm-oil-demand-fueling-deforestation. See also Emery Brusset et al., *A Ripple in Development? Long Term Perspectives on the Response to the Indian Ocean Tsunami 2004: A Joint Follow-up Evaluation of the Links between Relief, Rehabilitation and Development [LRRD]* (Stockholm: SIDA, 2009), 61, cdn.sida.se/publications/files/sida61324en-a-ripple-in-development-long-term-perspectives-on-the-response-to-the-indian-ocean-tsunami-2004.pdf; Mohamad Shohibuddin, 'Making Peace or Sustaining Conflict? Securitisation of Land Distribution Programme in Post-war Aceh, Indonesia,' (paper presented at Ecology, Culture and Development Seminar Series on the Role of Natural Resources and Agrarian Policies in Sustaining Peace in Aceh, Bogor, Indonesia, 31 May 2016), sajogyo-institute.org/wp-content/uploads/2016/05/Shohibuddin-2015-Making-peace-or-sustaining-conflict-Seminar-Ekbbudbang.pdf.

37 See Lund, 'Predatory Peace'.

38 Lund, 'Predatory Peace,' 1.

In sum, developments in Aceh since the Helsinki MoU have seen former GAM leaders benefit from, and yet also become dependent upon, several lucrative sources of funding. Provisions in the MoU permitting the formation of local political parties have enabled elite GAM members to emerge as provincial government leaders who now have an interest in maintaining the status quo, including their economic and political status, and their relationships with Indonesian political elites. These dynamics have contributed to the continued sidelining of the transitional justice provisions in the MoU.

At the same time, a political settlement perspective allows us to appreciate that GAM leaders' reluctance to pursue transitional justice is not only a reflection of narrow self-interest but is also, in part, a consequence of deep structural inequalities exacerbated during the conflict that continue to pervade the relationship between the national government and the province. These inequalities are evident in Aceh's high levels of poverty and underdevelopment, a legacy of decades of predatory resource extraction by Jakarta.³⁹ They can also be seen in the low-level, yet omnipresent, military surveillance that continues in the province, despite provisions in the MoU specifying a reduction of military personnel. A lack of international support for the pursuit of transitional justice in Aceh has further contributed to the current situation; donors have done little to advance this agenda, given their reluctance to destabilise their own governments' relations with Indonesia. A human rights activist suggested that these structural inequalities foster an atmosphere in which there is fear of discussing past human rights abuses. As he put it:

Everyone is afraid. The [provincial] government is afraid talking about the past. Yeah ... when we have to talk about the killers, the rapists, [the] human rights violators, everyone is afraid. The fear can be directly related to the intelligence, the police, GAM ... It is no use for them to support this. Yeah, they are afraid. They are very afraid.⁴⁰

Adding to these complexities is the degree to which, as we now discuss, debates about transitional justice in Aceh have been enmeshed not only with the postconflict transition in the province but also with Indonesia's

39 In 2018, Aceh was the poorest province in Sumatra and the fifth poorest province nationwide, with high rates of long-term unemployment. See Badan Pusat Statistik, *Indikator Tenaga Kerja Aceh* (Jakarta: BPS, 2018).

40 Interview with male civil society activist, Banda Aceh, December 2019.

transition from authoritarian rule to democracy following the fall of the Suharto regime in 1998. Indeed, it is difficult to gain a full understanding of Aceh context without examining Indonesia's earlier national 'transition', during which calls to hold members of the Indonesian military accountable for crimes during the authoritarian era, while initially strong, have become increasingly muted.⁴¹

Aceh's truth commission in the context of Indonesia's 'transition'

A recurrent theme in academic scholarship and policy reports on transitional justice in Indonesia is that these mechanisms have been continually 'derailed'.⁴² As a landmark report by KontraS and ICTJ highlights, a plethora of transitional justice mechanisms have been established since the fall of Suharto, while human rights protections have been inserted in the national constitution, and the government has ratified international human rights conventions and established a constitutional court. Guaranteed seats in the legislature for security forces have been eliminated.⁴³ Yet progress in practical terms has been 'consistently blocked by a deep, systemic unwillingness to uncover the truth surrounding serious human rights violations and to hold those who are responsible accountable for their actions'.⁴⁴ Indeed, even after a decade of legislative process, the Indonesian Truth and Reconciliation Commission (TRC) has not been formed, and only three instances of human rights abuses have reached the human rights court legislated in 1999.⁴⁵

41 Suh, 'Preemptive Transitional Justice'.

42 International Centre for Transitional Justice (ICTJ) and Komisi untuk Orang Hilang dan Korban Kekerasan [Commission for the Disappeared and Victims of Violence] (KontraS), *Derailed: Transitional Justice after the Fall of Soeharto* (Jakarta: International Center for Transitional Justice and KontraS, 2011). See also Ehito Kimura, 'The Struggle for Justice and Reconciliation in Post-Suharto Indonesia,' *Southeast Asian Studies* 4, no. 1 (2015): 73–93, doi.org/10.20495/seas.4.1_73; Suzannah Linton, 'Accounting for Atrocities in Indonesia,' *Singapore Year Book of International Law* 11 (2006): 195–259; AJAR and KontraS Aceh, 'Transitional Justice: Indonesia Case Study' (Banda Aceh: AJAR and KontraS Aceh, 2017).

43 International Center for Transitional Justice and KontraS, 'Derailed,' 1.

44 International Center for Transitional Justice and KontraS, 'Derailed,' 1.

45 Suh, 'Preemptive Transitional Justice,' 99. These cases were the East Timor militia violence in 1999, the Tanjung Priok shootings in 1984, and the violence in Abepura, Papua, in 2001.

Sri Lestari Wahyuningroem argues that the derailment of transitional justice needs to be situated in the context of Indonesia's partial and halting transition from authoritarianism to democracy since 1998.⁴⁶ Complicating Bell's observation that transitions from authoritarianism to democracy tend to entail a 'relatively straightforward assertion of a human rights project' by an incoming regime,⁴⁷ Wahyuningroem stresses that Indonesia's 'transition' has not involved a complete defeat of, or total break with, the old authoritarian regime. As she puts it, 'old forces – such as those representing Golkar [Suharto's political party] and the military – were never entirely excluded from the power structures of the new Reformasi Order'. This has meant that while successive governments have adopted transitional justice measures to gain legitimacy and garner political support, both domestically and abroad, the ongoing need to accommodate elements of the New Order in formal politics has 'led to the failure of transitional justice outcomes at the implementation level'.⁴⁸

In a context in which the Reformasi order is built on compromise, negotiations around transitional justice in Aceh are part of a chain of what Suh refers to as 'pre-emptive' transitional justice policies pursued by successive Indonesian governments, which are intended to prevent the introduction of stronger policies.⁴⁹ As Suh argues, a key aim of these policies has been to assuage widespread international and domestic civil society demands for accountability and truth-seeking regarding human rights abuses committed under the New Order and, at the same time, to prevent the possible establishment of an international tribunal that would remove the transitional justice process from the control of domestic political actors.⁵⁰ The promise of full implementation of these policies has slowly evaporated as civil society demands have waned.⁵¹

These arguments deepen our understandings of the constraints upon the pursuit of transitional justice in Aceh. By the time the negotiations on the Aceh peace agreement took place in Helsinki, domestic and international

46 Sri Lestari Wahyuningroem, *Transitional Justice from State to Civil Society: Democratization in Indonesia* (London, Routledge, 2019).

47 Bell, 'Contending with the Past,' 104.

48 Wahyuningroem, *Transitional Justice*, 23. A key element is the military, which, while not openly opposing the establishment of various transitional justice mechanisms, has effectively frustrated them in practice.

49 Suh, 'Preemptive Transitional Justice,' 98. See also Jelena Subotić, *Hijacked Justice: Dealing with the Past in the Balkans* (Ithaca: Cornell University Press, 2009).

50 Suh, 'Preemptive Transitional Justice,' 96.

51 Suh, 'Preemptive Transitional Justice,' 98.

pressure for accountability, which had been high in the early years of Reformasi, had abated considerably.⁵² This had an inevitable influence on the transitional justice mechanisms included in the MoU, as Indonesian negotiators were able to limit the scope of these mechanisms from the outset. For instance, the provisions on the human rights court for Aceh specify that it would only have jurisdiction over cases of abuses that took place in the post-Helsinki era. This renders it 'meaningless for resolving past human rights crimes'.⁵³

The provisions on the TRC are similarly limited. An assumption was made in both the MoU and the LoGA that a TRC for Aceh would form part of the national TRC structure.⁵⁴ However, the national TRC has been in 'legal limbo' since 2006, when, before President Yudhoyono had even appointed its members, the Constitutional Court revoked Law No. 27/2004, the law that had established it. While the stated rationale was concern over an amnesty provision that provided 'legal immunity for perpetrators of gross human rights abuses',⁵⁵ as Suh observes, these legal technicalities provided 'good excuses for shelving inconvenient measures of justice and truth'.⁵⁶ Indeed, as one civil society representative interviewed for this research project put it, the annulment of the national truth commission law has become a justification for the central government to avoid *any* truth, justice and reconciliation initiatives.⁵⁷

The annulment of the national TRC Law posed a challenge for Acehnese human rights activists. Disillusioned after years of lobbying, many began to push for a provincially mandated TRC, by way of *Qanun* (provincial legislation of Aceh), which, they believed, might have more chance of

52 Suh, 'Preemptive Transitional Justice,' 110.

53 Jeffery, 'Amnesty and Accountability,' 78. While in theory the permanent court of human rights located in four cities throughout Indonesia, including Medan, could prosecute crimes committed during the Aceh conflict, this route is also not especially promising. As Jeffery argues, 'no senior officer has been successfully prosecuted by any such court regarding acts in Aceh' and 'significant opposition has been voiced to even the possibility that human rights abuses perpetrated in Aceh may be investigated and tried'; Jeffery, 'Amnesty and Accountability,' 78.

54 Jeffery, 'Amnesty and Accountability,' 79.

55 See Jeffery, 'Amnesty and Accountability'. See also Annie Pohlman, 'A Year of Truth and the Possibilities for Reconciliation in Indonesia,' *Genocide Studies and Prevention* 10, no. 1 (2016): 70, doi.org/10.5038/1911-9933.10.1.1323.

56 Suh, 'Preemptive Transitional Justice,' 99. It is, therefore, not surprising that since the derailment of the national TRC, the TRC Bill has not yet been revived, although more recent drafts have been produced. See Pohlman, 'A Year of Truth,' 70. See also Nukila Evanty and Annie Pohlman, 'After 1965: Legal Matters for Justice,' in *The Indonesian Genocide of 1965: Causes, Dynamics and Legacies*, ed. Katharine McGregor, Jess Melvin and Annie Pohlman (Cham: Palgrave Macmillan, 2018), 311–34.

57 Interview with male civil society activist, 2019, Banda Aceh.

success.⁵⁸ Their lobbying efforts paid off. The *Qanun* KKR Aceh was passed by the Acehese provincial parliament in 2013,⁵⁹ and the KKR Aceh began its truth-seeking work in 2017. In November 2018 the KKR Aceh held its first public hearing. Despite these achievements, Acehese activists are acutely aware that the KKR Aceh is constrained in several ways and suffers from a lack of support from the GAM-dominated provincial government. In the final section we examine how these factors are impacting on the KKR Aceh's work.

Constraints upon the KKR Aceh

Aceh's KKR is limited in several respects due to its status as a provincially mandated truth commission established in the absence of a national TRC. A key issue is that, contrary to emerging best practice in truth commissions, the KKR Aceh does not have legal powers to subpoena witnesses, demand the handover of evidence, or compel the protection of witnesses.⁶⁰ The capacity of the KKR Aceh to provide reparations to victims of conflict will also be limited. Given the absence of national government involvement, the burden of providing financial and other support to the KKR Aceh will fall to the provincial government. These issues are likely to have a number of practical consequences for the KKR Aceh's work.

First, the KKR Aceh's lack of subpoena powers will curb the nature of the truth that will emerge from the truth-seeking process, as the commission will be unable to compel members of institutions such as the military and police to give evidence. Without the capacity to gather detailed information about the military's chain of command, it is unclear whether sufficient information will come to light to clearly establish the circumstances under which human rights abuses were committed and the identity of those responsible. This may reduce the usefulness of the KKR Aceh's findings

58 Lia Kent and Rizki Affiat, 'Gambling with Truth: Hopes and Challenges for Aceh's Commission for Truth and Reconciliation,' in *Flowers in the Wall: Truth and Reconciliation in Timor-Leste, Indonesia, and Melanesia*, ed. David Webster (Calgary: University of Calgary Press, 2017), 142–54, regnet.anu.edu.au/sites/default/files/publications/attachments/2019-01/Lia%20Kent%20Gambling%20with%20truth.pdf. See also Ross Clarke, Galuh Wandita, and Samsidar, *Considering Victims: The Aceh Peace Process from a Transitional Justice Perspective*, Occasional Paper Series (New York: International Center for Transitional Justice, 2008), ictj-Indonesia-Aceh-Process-2008-English.pdf.

59 See also Chapter 3 of this volume, by Evi Narti Zain and Galuh Wandita.

60 See Clarke, Wandita and Samsidar, 'Considering Victims'. See also Mark Freeman, *Truth Commissions and Procedural Fairness* (Cambridge: Cambridge University Press, 2006), 189, who lists 12 commissions with subpoena powers.

in relation to any future prosecutorial process. Perhaps more importantly, there are questions about whether victims of the conflict will accept a truth-seeking process in which they are unlikely to gain specific information about circumstances of loved ones' deaths or the location of their remains.

The KKR Aceh's limited capacity to order the protection of witnesses is also a concern (see also Chapter 5 of this volume). It is possible that the military and police could intimidate participants in public hearings. Given the ongoing nature of military and police surveillance in Aceh, those telling their stories publicly may experience a great deal of stress, even if they do not name individual members of the police and military. Indeed, there are signs that intimidation is already taking place. A KKR Aceh commissioner noted that during the commission's recent public hearing in Lhokseumawe, she noticed many 'Intel' (military or police intelligence) in the audience, who were attempting to monitor proceedings and intimidate witnesses.⁶¹

Finally, the KKR Aceh is expected to develop an urgent reparations program to address the needs of vulnerable victims, and issue, with its findings, a recommendation to the Aceh government and the central administration to develop a comprehensive program. However, it seems unlikely that the Indonesian government will agree to fund such a program. Unless the provincial government is prepared to do so, conflict victims may be left disappointed. As a KKR Aceh commissioner pointed out, many conflict victims are asking what material benefit the KKR will have, and they have high expectations of material assistance.⁶²

Many of these issues were raised during interviews with former GAM leaders and used as justifications for their sceptical stance towards the KKR Aceh. A key concern was the KKR's lack of subpoena powers. Reflecting on the example of the Simpang KKA massacre of 1999,⁶³ former GAM negotiator Nur Djuli argued that in this case, in which human rights investigations had taken place and 'we already know who was responsible', it would be impossible to subpoena the perpetrators. He rhetorically asked:

61 Interview with Evi Narti Zain, 26 July 2019, Sydney.

62 Interview with Evi Narti Zain, 26 July 2019, Sydney. In addition, according to a former KKR Aceh commissioner, there has been an attempt from the Department of Legal and Human Rights to reduce 'victims' rehabilitation' efforts to a compensation program. This also shows the central government's lack of a human rights perspective on the KKR Aceh.

63 Simpang KKA (Simpang Kertas Kraft Aceh, Aceh Kraft Paper [mill] Junction).

Who would summon them? The Governor? Who? If it is a local KKR, who [has the authority] to summon [the military]? Only the central government could do that. So, if we summoned them ... they might just laugh.⁶⁴

The then former governor of Aceh, Irwandi Yusuf, made a similar point, arguing that the KKR Aceh's lack of subpoena powers would lead to the production of a limited truth. As noted at the beginning of this chapter, he raised a concern that without the participation of military and police personnel, the KKR Aceh would produce a biased and 'one-sided' truth that would unfairly dredge up cases of GAM violence and focus on GAM perpetrators while avoiding the larger context of state oppression and military violence.

Both Irwandi Yusuf and Nur Djuli were concerned that the provincial government would be unjustly burdened with the establishment of a reparations program for Acehese conflict victims. While Nur Djuli was in favour of providing financial compensation to survivors, he argued that it was 'ridiculous' that the Aceh government, which had limited resources and had been victimised by the Indonesian military, should have to fund such a program. As he put it: 'We are the victims, but we will fund ourselves.'⁶⁵ Similarly, as Irwandi Yusuf rhetorically asked, why should the provincial government have to provide reparations, given that the Indonesian military committed most of the human rights violations?⁶⁶

Given these limitations, several former GAM respondents questioned the benefit of the KKR to conflict victims. Some argued that victims were tired of telling their stories in a context where, as part of postconflict and post-tsunami reconstruction programs, numerous processes of data collection had been initiated with very little material benefit to victims.⁶⁷ Former GAM negotiator Munawar Liza argued, for example, that there was a limit to the number of times conflict victims could be 'databased' (i.e. have their data collected) in the absence of economic assistance.⁶⁸ As he stated:

64 Interview with former MoU negotiator, February 2019, Banda Aceh.

65 Interview with Nur Djuli, February 2019, Banda Aceh.

66 Interview with Irwandi Yusuf, 15 February 2016, Banda Aceh.

67 The then director of the BRA (Badan Reintegration Aceh) argued that 'only 25 per cent' of conflict victims had received postconflict assistance, and that many postconflict programs had not reached their target beneficiaries. Interview with director and deputy directors of the BRA, May 2017, Banda Aceh.

68 Interview with Munawar Liza, January 2019, Banda Aceh.

So, I mean, if we keep asking for the data, keep asking for their testimony, there'll be a time limit. If we collect the data across the villages every day, the villagers will ask, 'We are databased many times, what is the follow-up?'⁶⁹

Similar concerns were raised by a female peace activist with links to GAM, who suggested that conflict victims may gain a temporary sense of 'feeling better' from telling their stories, but that this would quickly fade if they continued living in situations of poverty. As she put it:

The public hearing is a procedure I support. After that, what is next? After you humiliate someone in front of others ... what is your compensation, what can you offer to the family? If it's just talking, they feel better. You give maybe some 5 million – 10 million rupiah, and then what can we do? We cannot take them out from poverty. We cannot help them.

There was a need, this peace activist argued, not only to listen to stories and compensate conflict victims through one-off reparations payments but also to address underlying issues of state violence.⁷⁰

This peace activist and several former GAM leaders emphasised a broader point: that the establishment of a truth commission for Aceh was the responsibility of the Indonesian government. Both the peace activist and Nur Djuli, for example, pointed out that the MoU stipulated that Aceh's truth commission should be established by the *national* truth commission, and that only this kind of model, one that had the full cooperation of the Indonesian government, would operate effectively and meet the needs and expectations of conflict victims.⁷¹ They were concerned that supporting a provincially mandated KKR Aceh would allow the national government to 'wash its hands' of responsibility for transitional justice mechanisms for Aceh. Nur Djuli likened the provincially mandated KKR Aceh to parentless child, suggesting that 'without the mother, without the father' it would be difficult for such a child to survive. Former GAM negotiator Munawar Liza

69 Interview with Munawar Liza, January 2019, Banda Aceh.

70 Interview with female peace activist, January 2019, Banda Aceh.

71 Interview with female peace activist, January 2019, Banda Aceh; interview with Nur Djuli, January 2019, Banda Aceh. However, some GAM respondents, including the then deputy of the Aceh Party (PA, Partai Aceh), Abu Radak, expressed their support for the KKR Aceh because this mechanism was stipulated in the MoU (Interview with Abu Radak, 18 February 2016, Banda Aceh). Munawar Liza made a similar point, noting that 'the KKR has been written in MoU Helsinki so it must be performed' (Interview with Munawar Liza, 2019, Banda Aceh).

also used the metaphor of the child, arguing that, in the absence of an Indonesian KKR, the KKR Aceh would have no 'mother' – it would be an 'orphan' TRC with limited powers and financial support.⁷²

Many of these concerns (which were often echoed by civil society respondents and KKR commissioners) are legitimate and important. They can be understood as responses to the constrained possibilities for truth-seeking and justice in the context of the ongoing derailment of transitional justice in the Reformasi era. They serve as a reminder that unequal relations of power between Aceh and Jakarta, exacerbated during the conflict, continue in the postconflict period, and that the provincial government is governing in an environment in which its autonomy and power is limited. As one civil society respondent put it, Aceh has achieved only 'half-independence' (*setengah merdeka*).⁷³ Civil society activists, some respondents suggested, did not always appreciate these unequal relations; they were quick to blame GAM for Aceh's problems and had unrealistic expectations of the provincial government.⁷⁴

While acknowledging the validity of these concerns, it is also important to bear in mind that GAM leaders have been complicit in the derailment of transitional justice by failing to advocate for strong measures both during and after the signing of the MoU. Human rights concerns have remained marginal as GAM leaders' push to 'reconcile' their interests with those of the national political elite, and to maintain their political and economic power. These themes were highlighted in interviews with civil society activists. As one activist argued, GAM leaders continue to display a lack of interest in negotiating with Jakarta on transitional justice or establishing programs to assist conflict victims because this is perceived as clashing with their political and economic aspirations. As she put it:

Nothing is impossible when it comes to power, interest. Our people are oppressed by our own. This is postcolonial. Now we are given a huge amount of autonomy funds but only a particular group of those in power circles receive it. People are not the priority for welfare, for rehabilitation. We can see that from the existing policies. There are no government programs for conflict survivors, sexual violence survivors.⁷⁵

72 Interview with Munawar Liza, December 2019, Banda Aceh.

73 Interview with staff of K2HAU in Lhokseumawe, 2 November 2016. Marhaban, for example, argued that NGO activists did not appreciate the degree to which GAM was 'neutered in terms of authority'.

74 Interview with female peace activist, January 2019, Banda Aceh; interview with Nur Djuli, February 2019, Banda Aceh.

75 Interview with female civil society activist, January 2019, Banda Aceh.

Some respondents suggested that an additional reason for GAM's reluctance to support the KKR Aceh was that they did not wish to shine a light on the violence committed by their own side during the conflict.⁷⁶ As one academic put it, 'for former combatants, they see this [the KKR Aceh] as leading to justice in the court, [and] that it is linked to punishment. This is another reason for resistance.'⁷⁷

GAM leaders' ambivalence towards the KKR Aceh has translated into a lack of provincial government funding. KKR Aceh commissioners requested 21 billion Indonesian rupiah (approx. US\$750,000) for the commission's first year's budget. In 2017, however, the provincial parliament only approved 3 billion rupiah (later increased to 6 billion.) In 2018 and 2019, the KKR received 4.5 billion rupiah.⁷⁸ Both KKR Aceh commissioners and civil society activists were concerned about the limited funding, which, they argued, fell gravely short of what was needed and was seriously impeding the pace and effectiveness of the KKR Aceh's work. One KKR commissioner expressed his concerns as follows:

That's not enough for our work. That only covers salary costs, office supplies. We are a total of 60 staff: 18 paid staff, and 3,040 volunteers. We don't have cars. We have to use our own cars. Or use public transport ... It's impossible work. Everything has to be supported by others.⁷⁹

A related concern was that the KKR Aceh's budget was being managed by Dinas Sosial (Department of Social Affairs), which compromises its independence.⁸⁰

In addition to funding concerns, activists and commissioners highlighted the lack of public endorsement of the KKR Aceh by the provincial government. As one activist put it, the Aceh government was only supporting the 'ceremonial' aspects of the KKR Aceh's work, and even these ceremonial aspects were being supported half-heartedly.⁸¹ Provincial government leaders have, for instance, been reluctant to participate in KKR events. Irwandi

76 Interview with male civil society activist, December 2019, Banda Aceh.

77 Interview with peacebuilding academic, 2016, Banda Aceh; interview with male civil society activist, December 2019, Banda Aceh.

78 Interview with Evi Narti Zain, 26 July 2019, Sydney.

79 Interview with Evi Narti Zain, 26 July 2019, Sydney. Fajran Zain made a similar point, interview with Fajran Zain, April 2017, Banda Aceh.

80 Various interviews with civil society activists, April 2017 and February 2019, Banda Aceh.

81 Interview with male civil society activist, February 2019, Banda Aceh. See also Chapter 8 of this volume.

Yusuf (who by that point had been re-elected governor of Aceh) did not attend the KKR's first public hearing in 2018, despite receiving repeated invitations.⁸²

Given the lack of national and provincial government support, the KKR Aceh is largely a civil society-led and -driven initiative. Commissioners are heavily reliant on NGOs and their community networks for assistance in organising public hearings and interviews, as well as building awareness about, and trust in, the KKR Aceh among the population. While this is not necessarily a problem in terms of the quality of the KKR Aceh's work – and, in fact, may even provide advantages – it may have an impact on local perceptions, particularly as conflict victims hope for official acknowledgement of their experiences.⁸³ A KKR Aceh commissioner said that victims repeatedly asked: 'Is the government supporting you?' He expressed concerns that victims would not trust the commission if it lacked such support. Building community trust in the KKR Aceh's work in the context of the current political settlement is likely to remain a significant challenge.

Conclusion

In this chapter we have argued that the KKR Aceh needs to be seen as part of an ongoing process of dealing with the past that forms part of a broader process of political bargaining over questions of power and autonomy in Aceh. It also needs to be seen as part of the partial and halting transition from authoritarianism to democracy in Indonesia, during which transitional justice measures have been continually derailed. Neither Indonesia's nor Aceh's 'transition' represents a complete break with the past, and the degree to which both Acehnese and Indonesian protagonists in the conflict retain some form of power makes it unlikely that perpetrators will be held accountable for past wrongdoing, or that the KKR Aceh will be fully supported by national or provincial leaders, at least in the short term.

Viewing the KKR Aceh as part of a political bargaining process does not detract from its value. There is clearly a need for a myriad of efforts to uncover the extent of the violence that took place during the conflict, to create more complex official narratives, and provide opportunities for

82 Interview with Evi Narti Zain, 26 July 2019, Sydney.

83 Interview with Evi Narti Zain, 26 July 2019, Sydney.

those who consider themselves victims to tell their stories and receive acknowledgment. This acknowledgement might help to provide the basis for rehabilitation and recovery. A political-settlement perspective highlights the need to situate the KKR Aceh as part of a contestation over power and resources: to understand it as embedded in the new relations built among local and national elites, in which actors negotiate not only over policy priorities but also political manoeuvres.

All of this suggests it is important not to invest in the KKR Aceh as singular and final, and to temper expectations about what the commission will be able to achieve. Viewed as part of long-term process of political bargaining, a key question to ask is whether the KKR Aceh provides a useful space for discussing the past that might advance debates about questions of justice in Aceh and Indonesia generally. While our answer to this question is a cautious 'yes', given the constrained model of the KKR Aceh, and the lack of support for its work from both national and provincial elites, it is vital not to 'oversell' the commission's capacity to deliver truth, justice and reparations to the Acehnese population. This will only raise expectations among conflict victims that will inevitably be disappointed. In other words, conflict victims, who have already been 'databased many times', should not be required to bear the burden of truth-telling for the sake of a broader political struggle.

5

Collecting statements and the public ‘hearing testimony’ forums

Atikah Nuraini, Dodi Yuniar, Fitriani and Oni Imelva¹

Introduction

In this chapter we discuss the statement-taking process and public ‘hearing testimony forums’ of the Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh, Aceh Truth and Reconciliation Commission). Our primary focus is the journey undertaken by survivors through the processes of statement-taking and public hearings, and the essential role they play through their involvement in these truth-telling mechanisms in Aceh. Through this study, we wish to know if, and how, the survivors who gave witness statements changed their views while taking part in the commission’s truth-telling processes. We also seek to know whether the statement-taking and the hearing testimony forums have made an impact on the recovery of victims. Data for this study have been drawn from the commission’s database of personal statements (as of mid-2019). All the authors of this chapter have been involved in the personal statement-taking processes for the KKR Aceh since they began. In particular, the authors interviewed 14 people who took

¹ The writing team is made up of two authors from Asia Justice and Rights (AJAR), Atikah Nuraini and Dodi Yuniar, and two authors on staff at the commission, Fitriani and Oni Imelva. This paper was written based on the experiences of the Aceh Truth and Reconciliation Commission’s working team between 2017 and the end of 2019. The paper was translated from Indonesian into English by Annie Pohlman.

part in the statement-taking and public forums, some of whom participated at all stages of the November 2018 hearing testimony forum: before, during and after the event.

We begin by discussing the statement-taking and hearing testimony processes as critical truth-telling mechanisms for truth and reconciliation commissions, and we outline these processes with regard to their manner of implementation by the Aceh commission. At the time that our study was conducted (mid-2019), the KKR Aceh had taken 2,317 statements from victims and witnesses; by the end of the commission's first term in late 2021, 5,794 statements had been recorded. Here, we elaborate on the journey undertaken by some of those who gave personal statements and testimony at the public forums. Finally, we discuss our findings on how survivors have responded to these truth-telling processes, and the ongoing challenges they face.

The KKR Aceh's truth-seeking model: witness statements and hearing testimony forums

The KKR Aceh was established with a mandate to uncover the truth about past human rights abuses. Its primary challenge, however, is to achieve this mandate in a context of minimal acknowledgement of these abuses and ongoing delays to justice. Given this context, the KKR Aceh has been placed in a difficult but strategic position: to strengthen peace in the province while also ensuring that the truth of these past human rights abuses is uncovered (see Chapters 1 and 2 of this volume).

The first task the KKR Aceh has needed to undertake is information gathering on past cases and incidents in order to facilitate the truth-telling process. This process is difficult, particularly in a situation of strong impunity for these abuses. To assist the commissioners with this task, the commission has a 36-member working group, which is divided between six areas:

1. truth-telling
2. women's participation
3. witness/victim protection
4. reparations
5. reconciliation
6. data and publications.

When it was established in 2016, the KKR Aceh planned for its first period of operation to continue through to 2021. Those in the commission agreed to prioritise truth-telling during this first period. Truth-telling was seen as the starting point for the remaining steps for the protection and restoration of victims, and to realise the commission's mandate of achieving reconciliation based on local traditions, as set out in the *Qanun*, the provincial legislation of Aceh.

Within postconflict and postauthoritarian contexts, truth and reconciliation commissions are not new mechanisms. The KKR Aceh, however, is the first truth and reconciliation commission to be established in Indonesia, and the experiences of similar commissions in various parts of the world may serve as role models or provide useful examples that could be adopted in the context of Aceh's transition. Mark Freeman defines a truth commission as follows:

A truth commission is an *ad hoc*, autonomous, and victim-centered commission of inquiry set up in and authorized by a state for the primary purposes of (1) investigating and reporting on the principal causes and consequences of broad and relatively recent patterns of severe violence or repression that occurred in the state during determinate periods of abusive rule or conflict, and (2) making recommendations for their redress and future prevention.²

Truth commissions tend also to be given broader responsibilities beyond seeking and telling the truth. In many contexts, such institutions have become the most critical government initiative in responding to past violations, and have been the starting point for further accountability, reparations and other reforms. As Priscilla Hayner explains, truth commissions may be tasked with a range of goals, such as:

to discover, clarify and formally acknowledge past abuses; to address the needs of victims; to 'counter impunity' and advance individual accountability; to outline responsibility and recommend reforms; and to promote reconciliation and reduce conflict over the past.³

2 Mark Freeman, *Truth Commissions and Procedural Fairness* (New York: Cambridge University Press, 2006), 18, doi.org/10.1017/CBO9780511584473.

3 Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd ed. (New York: Routledge, 2010), 20, doi.org/10.4324/9780203867822.

These past commissions have carried out their truth-seeking activities in varying ways, such as through public hearings, and by survivors and victims' families giving accounts. Information about past abuses may also be found by investigating government, military or intelligence data, documents and archives. Investigating past human rights violations, however, is complicated by the fact that much information about past abuses, such as government and military documentation, may have been damaged or destroyed, or be inaccessible for other reasons.⁴ For the recent Truth and Reconciliation Commission of Canada, for example, the investigators faced numerous problems in obtaining access to the state's archives that contained information about children in the Indian Residential Schools.⁵ Furthermore, researchers wanting to access military and intelligence archives may encounter difficulties, particularly when only military and intelligence personnel are able to access or analyse such archives. As a result, many truth-telling mechanisms for past violations must then rely on oral testimonies and other sources, such as documentation provided by civil society groups.⁶

As Elisabeth Baumgartner and Lisa Ott explain, first-hand information gathered from victims, survivors and witnesses forms the basis for most 'dealing with the past' mechanisms.⁷ Examples of such mechanisms include those used in the search for missing persons, in judicial investigations, and in a range of reparations and restitutions programs, as well as in disarmament and reintegration processes.⁸ Truth-seeking work in Tunisia (through the IVD, the Truth and Dignity Commission⁹) and in Argentina (through CONADEP, the National Commission on the Disappearance of

4 See, for example, on the experience of documentation loss in Greece, Antonio González Quintana, *Archives of the Security Services of Former Repressive Regimes*, Report prepared for UNESCO on behalf of the International Council on Archives, 1997, unesdoc.unesco.org/images/0014/001400/140074e.pdf, 6.

5 See Truth and Reconciliation Commission of Canada, *Final Report of the Truth and Reconciliation Commission of Canada*, Vol. 4 (Montreal: TRC Canada, 2015), 5. See also Alex Mass, 'Perspectives on the Missing: Residential Schools for Aboriginal Children in Canada,' in *Missing Persons: Multidisciplinary Perspectives on the Disappeared*, ed. Derek Congram (Toronto: Canadian Scholars' Press, 2016), 13–41.

6 Elisabeth Baumgartner and Lisa Ott, 'Determining the Fate of Missing Persons: The Importance of Archives for "Dealing with the Past" Mechanisms,' *International Review of the Red Cross* 99, no. 905 (2017): 673, doi.org/10.1017/S181638311800053X.

7 Baumgartner and Ott, 'Determining the Fate,' 673–74.

8 As an example, Baumgartner and Ott point to the work of the Argentine Forensic Anthropology Team (EAAF): 'Determining the Fate,' 673, no. 50.

9 On challenges for the IVD and other oral testimony-based truth-telling work in Tunisia, see Virginie Ladisch and Christalla Yakinthou, 'Cultivated Collaboration in Transitional Justice Practice and Research: Reflections on Tunisia's Voices of Memory Project,' *International Journal of Transitional Justice* 14, no. 1 (2020): 80–101, doi.org/10.1093/ijtj/ijz037.

Persons¹⁰), for example, involved thorough and widespread interviews with witnesses, from which submissions were made for later hearings. Only when witness and other testimonial statements are collected in a standardised and coherent manner, however, can they be useful for large-scale truth-finding initiatives.¹¹

The KKR Aceh gathers information by taking statements in private settings (carried out from house to house, with closed settings for each individual), and taking statements openly through public hearing testimony forums. There are three groups who undertake this work, namely, those who work in:

- statement-taking
- database management
- hearing testimony forums.

There were initially 36 staff members across the three groups. This number grew to 65 within a year of commencement. The three teams work together to undertake their key roles, which are to ensure victims' narratives are documented properly, and that these narratives are well-managed and used to prepare the commission's findings; and to give victims an opportunity to narrate their testimonies to the public. These teams were set up so that the commission could enable survivors to take part in, and feel the benefits of, the KKR Aceh's work, and so that the public would be able to see its progression.¹²

Before these teams began their work, the KKR Aceh prepared their staff using two mechanisms. The first was to establish a standard operating procedure to guide their methods, and the second was training for all staff, particularly those who would be taking statements by survivors. In addition, the commission established a range of work guidelines and procedures. These include specific guides for:

- statement-taking
- the hearing testimony forums
- documentation and database management

10 See Emilio Crenzel, 'Argentina's National Commission on the Disappearance of Persons: Contributions to Transitional Justice,' *International Journal of Transitional Justice* 2, no. 2 (2008): 173–91, doi.org/10.1093/ijtj/ijn007.

11 Baumgartner and Ott, 'Determining the Fate,' 673.

12 Interview with 'FT', conducted by Atikah Nuraini, 10 July 2019, Banda Aceh.

- submissions to the commission
- the investigation of abuses
- integrative analysis.

For the training of staff, the KKR Aceh has also worked closely with various institutions, such as the human rights non-government organisation (NGO), Asia Justice and Rights (AJAR) (see Chapter 3 of this volume). This training has covered, among other topics, human rights, the history of the conflict and transitional justice in Aceh, statement-taking techniques and gender-sensitive methods. Further areas of training covered, among other things, forms of torture, statement-taking techniques for cases of sexual violence, database building and management, and report writing. Some staff, such as 'RM', expressed their views on the training they had received:

[From the training classes] that I attended, the topic of transitional justice training in my opinion was very relevant and inspired my work for the KKR. In particular, [I found the training very helpful] on uncovering the truth about different forms of crimes, ranging from war crimes, crimes against humanity, to aggression, the crime of aggression.¹³

Capacity-building training has also been provided to staff in victim assistance and recovery, particularly for victims of gender-based violence. As one staff member who had taken part in one recovery-training workshop, DA, stated:

The methods [that we learned] will help us to gather the data and provide some healing, and they can be combined with [the] statement-taking methods that we're using at the KKR Aceh. We can use these [methods] to be more gender-sensitive and put them into practice every day.¹⁴

This feedback from the commission's staff demonstrated how collaboration with civil society organisations is critical for sustaining the work of the KKR Aceh (see Chapter 3 of this volume). Such collaboration and support are needed, given the limited number of staff in the commission. For this reason, the commission has worked closely with a range of civil society groups since it was established. In addition to the training and capacity-

13 Participant feedback from 'RM', Transitional Justice Training Evaluation, AJAR (Asia Justice and Rights), 23–28 April 2018, Bali.

14 Participant feedback from 'DA', Gender Justice Training Evaluation: Methods for Rehabilitating Gender-Based Violence Victims, AJAR (Asia Justice and Rights), 27–31 August 2018, Bali.

building workshops, the KKR Aceh has also worked collaboratively with the Aceh branch of the Komisi untuk Orang Hilang dan Korban Kekerasan (KontraS, Commission for the Disappeared and Victims of Violence) and with the Lembaga Bantuan Hukum Banda Aceh (LBH Banda Aceh, Banda Aceh Legal Aid Institute) in taking statements in a number of regions in Aceh province. In addition, the commission has coordinated with Yayasan Pulih (the Pulih Foundation, Aceh) to provide assistance to victims who have experienced trauma. Lastly, the KKR Aceh has worked closely with AJAR on training and technical assistance. These cases of close collaboration with civil society groups have enabled and supported the work of the commission, particularly on statement-taking with survivors, and in the hearing testimony forums.

The statement-taking process: 'carrying the ball' from house to house

The first stage in uncovering the truth about past abuses is the statement-taking process. The statement-taking began on the basis of two initial data-gathering mechanisms used shortly after the KKR Aceh was established in 2016: the submission of data and other material from partner institutions and civil society groups, and the data obtained during preliminary regional consultation meetings held by commission staff, called 'precondition' meetings and activities. All statement-taking activities involve the work of a team made up of the statement-taking coordinator, the regional coordinator and the statement-takers. This team, who work in the field, is supported by another team back at the KKR Aceh office in Banda Aceh, which is responsible for registering and sorting the statements and other materials gathered, and for entering this information into the central database. This statement-taking process proceeds in a number of stages.

In the first stage, the regional coordinator is in charge of conducting meetings with village officials during the precondition activities in that area. During these meetings, the coordinator identifies potential statement-givers. These precondition activities are necessary for socialising the work of the KKR Aceh. During these initial meetings, the coordinator explains the purpose and work of the commission, so that potential statement-givers can make a considered decision about whether they wish to participate. These meetings are also necessary for the coordinator to identify and meet with the potential statement-givers in each area, so that the coordinator can prepare them for what will happen should they choose to go ahead with the process and be interviewed.

The next stage is the interview itself. If the statement-giver is prepared and willing to participate, one of the commission's statement-taking officers will conduct an in-depth, semistructured interview with him or her. These interviews tend to last one or two hours, depending on the availability of both staff and the statement-giver. In the case of some statement-givers, the officer will return for a number of follow-up interviews, with their consent. Most statement-givers undergo their interviews alone with the officer, but some are accompanied by family members for additional support. For this interview work, there are usually two statement-taking officers allocated to each subdistrict.

In the interview, the statement-taker follows the interview guide, which provides principles and guidelines on how the interview should be conducted, and what information should be explored. The interview covers a set list of topics and proceeds in a number of steps:

1. A conflict-of-interest check is undertaken to determine whether there are any existing connections between the statement-taking officer and the interviewee.
2. The statement-taker conducts an introduction and initial discussion with the interviewee, to determine whether the interview will go ahead. This initial discussion also includes a preliminary outline of the incident that the interviewee wishes to disclose, and the interviewee's relationship to any victims. The types of acts documented are: murder and killing; torture and rape; detention, kidnapping and disappearances; forced marriages, forced pregnancy and prevention of births; and the destruction and theft of property. These acts needed to have occurred during the period covered by the KKR Aceh's mandate – that is, between 4 December 1976 and 15 August 2005.
3. The participant narrates their story, giving information about what happened, when it happened, the location of the event, how it happened, and the identity of the perpetrator/s and victim/s.
4. The interviewer also collects information about victims (individual and collective) and the impact of the incident on the victim or victims. During the interview, the statement-taker will also explore the victim's background information, what happened to him/her, the impact of the incident on the victim and his/her family, and whether there are identifiable reasons for why s/he became a victim, such as an affiliation with a political group/party, an armed group, a religious organisation or other group.

5. Information is also collected about perpetrators (individual and collective). The statement-taker will ask questions about the perpetrator's organisational affiliation (membership of a political group or party, or an armed group; whether she or he was a soldier, police officer, government employee, prison guard, or a member of the intelligence agencies, paramilitaries or militia groups). In addition, statement-takers ask questions about the role of individual perpetrators in violence; for example, whether the perpetrator ordered or carried out violent acts.
6. In questioning witnesses to any acts of violence, the statement-taker also asks questions about anyone who may have seen the violence, and that person's relationship to those present at the scene.
7. The interview closes with the witness signing their statement. The statement-taker also discusses a range of follow-up interventions, such as an assessment of current needs and reparations. The statement-taker speaks with the interviewee about whether s/he is willing to give testimony at a public hearing or to be contacted for further information.

In a final step, after the interview is completed, the statement-taker completes the associated forms and transcribes the interview recording, creating a summary of the interview. She/he then sends this material to the regional coordinator, who passes it on to the KKR Aceh office. At the office in Banda Aceh, these data are sorted and entered into the database for analysis.

In 2017, statement-taking was carried out in five districts of Aceh, namely, Aceh Besar, Pidie, North Aceh, Bener Meriah and South Aceh. In 2018, the KKR Aceh expanded the statement-taking to cover all 12 districts, including Banda Aceh, Pidie Jaya, Lhokseumawe, Central Aceh, Aceh Jaya, West Aceh and Bireuen. One KKR Aceh staff member, 'FT', reflected on the statement-taking processes and its challenges:

Before we started the statement-taking, the KKR Aceh needed to tell the victims and their communities about the commission's role and ... mandate. Also, the KKR held a dialogue with the victims to ensure their willingness to give their statements. At first, the KKR got a cold response from some of the victims; some victims were pessimistic about the process that would be carried out by the KKR, and there were even some victims who refused to give their statements. This rejection and pessimism of victims was brought about by the assumption by victims that the KKR's work would end up the same way as previous assistance programs by state institutions. Some victims thought that the KKR's authority would not be strong enough to actually make any breakthroughs when dealing with

victims of the conflict. Another reason was that some victims were reluctant to recall the violence they'd experienced, as some had tried their best to forget these incidents.¹⁵

As FT explained, during the first months of the KKR Aceh's work, it was not easy for staff to convince victims of the commission's aims or to take part in the statement-taking process. These challenges were compounded by the commission's own internal obstacles, such as problems of logistics, capacity building and methods. As FT continued:

During the first two years of statement-taking, there were obstacles and challenges faced by the KKR, starting with the fact that we were still building the tools that we needed, and [these tools] were still in the trial-and-error stage. The level of capacity among the staff was still low; we had limited data, and [these things] made the statement-taking harder, also because [we were basing our initial collections] [on] existing data that had been submitted by our partner [organisations], and many of the victims didn't live at the addresses that had been listed for them.

Another KKR Aceh staff member, 'IW', also addressed the challenges which the statement-taking teams had had to overcome:

In those first two years, the whole process had to be built up, but with a mechanism that kept on having to be changed. The coordinators and [statement-taking] officers had to keep making changes. Although various training activities had been carried out, the process could not run optimally without more technical assistance and a more established team. Another ... challenge was ensuring that the entire team had a strong grounding in human rights, and the technical capacity to be able to conduct the interviews and properly record the results of the interviews. After the second year, things ran more smoothly as the KKR team got into a rhythm. The KKR staff in the office and the officers out in the field had a solid grounding then and knew what they needed to do.¹⁶

The statement-taking team thus faced a range of challenges when they began their work. One of the most serious challenges, however, was how the team approached statement-taking for victims who gave testimony about sexual and gender-based violence. For such cases, the statement-taking team needed to develop a careful and considered approach, one that gave victims the time and support to be psychologically ready to give their statements.

15 Interview with 'FT', conducted by Atikah Nuraini, 10 July 2019, Banda Aceh.

16 Interview with 'IW', conducted by Atikah Nuraini, 10 July 2019, Banda Aceh.

Listening to victims' testimonies: making their voices public

Although they are not a feature of all truth and reconciliation commissions, the KKR Aceh has chosen to use public hearing testimony forums as one of its methods for truth-telling, a method used by many previous commissions, such as those in South Africa, Sierra Leone, Uganda, Timor-Leste and Tunisia. Transitional justice expert Priscilla Hayner advises that commissions should hold public proceedings wherever possible, although she also clarifies that there are genuine reasons why a commission may not be able to do so. She highlights, for example, ongoing security threats, and the lack of capacity to provide protection for victims and witnesses, as reasons that would prevent public hearings. Nevertheless, Hayner emphasises the value of such hearings for achieving the truth-telling aims of any truth commission.¹⁷ According to Joanna R. Quinn and Mark Freeman, the purpose of public hearings 'is primarily to provide a public platform for victims and [to] bring the truth to the public in an unadulterated form, and not to collect new information'.¹⁸ The authors add that, although new information may emerge in such forums, their focus should be to 'provide a forum in which the stories of victims and their families could be voiced before the nation'.¹⁹

Quinn and Freeman also note, however, that the public's responses to hearings may pose further challenges. In some political climates, they explain, the public disclosure of the truth about past abuses may result in further threats to victims and witnesses, and they and their families may fear retribution. Other challenges for holding public hearings include the lack of capacity or support from other public institutions, or the presence in these proceedings of perpetrators, or the financial and logistical burdens taken on in order to hold these hearings. These challenges, Quinn and Freeman explain, need to be taken into account and weighed against the potential benefits of holding public hearings.²⁰

17 Hayner, *Unspeakable Truths: Transitional Justice*, 220.

18 Joanna R. Quinn and Mark Freeman, 'Lessons Learned: Practical Lessons Gleaned from Inside the Truth Commissions of Guatemala and South Africa,' *Human Rights Quarterly* 25, no. 4 (2003): 1140, doi.org/10.1353/hrq.2003.0050.

19 Quinn and Freeman, 'Lessons Learned,' 1140.

20 Quinn and Freeman, 'Lessons Learned,' 1141.

Prior to the work of the KKR Aceh, there had been some testimony-based work on past human rights violations, based primarily in Lhokseumawe and Takengon. Testimonies had also been recorded regarding the massacre at Simpang KKA (a busy road intersection in a village in North Aceh, where soldiers fired on villagers on 3 May 1999),²¹ torture cases at the Rumoh Geudong interrogation centre, and stories of sexual violence during the Daerah Operasi Militer (DOM, Military Operations Zone) period in Alue Rambe village.²² All three cases had featured in the public testimony hearings conducted as part of the 'Year of Truth' campaign conducted by a coalition of human rights NGOs called the Koalisi Keadilan dan Pengungkapan Kebenaran (KKPK, Coalition for Justice and the Disclosure of Truth) in the early to mid-2010s.²³

The KKR Aceh developed a set of procedures for holding the hearing testimony forums (RDK, Rapat Dengar Kesaksian). One of the staff members from the commission, 'NA', recounted the process of preparing these procedures prior to the first of these forums:

In preparing the Standard Operating Procedures for the hearing testimony forums, we learned a lot from how similar forums had been held abroad, such as in South Africa, Morocco and Timor-Leste. These included different types of events. Some were open, some were closed. One was a concept that involved a closed building, but people outside the building could watch the events live [on] a TV. There were also those in open fields. Anyone present could see and hear the testimony from the victims directly. From these varying concepts, we tried to match these with what the KKR Aceh had planned. In the meetings [that we held] to draft the Procedures, the terms used invited lots of debate. That's what I remember the most, the term 'stage' [*panggung*; platform]. That's what we debated the most.²⁴

21 The death toll from the massacre was between 39 and 46 people. See Kent, 'Transitional Justice', 191; Edward Aspinall, 'Modernity, History and Ethnicity,' 13. 'KKA' stands for Kertas Kraft Aceh, the name of a factory at the location of the massacre.

22 Rumoh Geudong was a private house in Pidie district taken over and used as an interrogation centre by the Indonesian special forces during the 1990s. For testimonial accounts of those who survived this centre, see Dyah Rahmany P, *Rumoh Geudong: The Scar of the Acehese* (Banda Aceh: Cordova, 2004). Rumoh Geudong is also discussed in Chapter 6 (Berueh, Hadi and Pohlman), and Chapter 8 (Wahyuningroem and Saputra) of this volume. Alue Rambe is a village in the mountains of North Aceh heavily impacted during the DOM period.

23 For a compilation of some of the testimonies that featured in the public hearings, see Koalisi Keadilan dan Pengungkapan Kebenaran (KKPK), *Menemukan Kembali Indonesia: Memahami Empat Puluh Tahun Kekerasan demi Memutus Rantai Impunitas*, 2 volumes (Jakarta: KKPK, 2014). On the Year of Truth public hearings and campaign, see Pohlman, 'A Year of Truth'.

24 Interview with 'NA', conducted by Oni Imelva, 10 June 2019, Banda Aceh.

These hearing testimony forums are intended by the commission to be places for remembering what has happened in the past. Much of what happened has been purposely forgotten by those who lived through these dark pasts, including the victims, their families and even the perpetrators. The first of the hearing testimony forums was held on 28–29 November 2018. The 2018 forum presented 14 witnesses from Aceh Besar, North Aceh, Bener Meriah, Pidie and South Aceh, and the theme for these hearings was experiences of torture. This theme was chosen because of the prevalence of the torture of civilians perpetrated during the armed conflict in Aceh. Torture was used as part of interrogations and as a form of punishment. Torture was also used as a way of marking territory; that is, the use of torture in an area showed that the territory was 'controlled' by one side or the other.

Bringing survivors and witnesses to give testimony at the hearing testimony forums has three purposes:

- to educate the public so that they know about the past and the factors that contributed to violence. In the case of the first forum on torture, the testimony provided helped to educate the public about the factors that contributed to the use of torture during the conflict, as well as the patterns and impacts of these alleged human rights violations.
- to gain public recognition for survivors of these alleged human rights violations
- to facilitate social repair, recovery and rehabilitation for the survivors and witnesses of these human rights violations.

Reflecting on the impact of this first hearing testimony forum on the theme of torture, the KKR Aceh's lead commissioner, Afridal Darmi, explained that the theme had been of great interest to the public. Through listening to the survivors, the audience were able to gain a deeper understanding of these acts, and the lengths that perpetrators had gone to in order to harm their victims. In this way, the first forum was able to educate the audience about the past, providing more information about these human rights violations and the factors that had led to them.²⁵

For each of the commission's hearing testimony forums, there are a series of steps to be followed. This process begins with the selection of prospective survivors and witnesses, based on the information they have provided in their previous statements and the chosen theme for the forum. For the

25 Discussion with Afridal Darmi, July 2019.

first forum, the KKR Aceh staff initially faced some difficulties in securing enough victims willing to provide testimony. Some victims, for example, were doubtful about whether the commission could provide enough security to protect them. Another difficulty was preparing each witness so that she or he would be ready to give testimony. At this stage, the task of the field officers is to establish a dialogue with survivors and witnesses about the importance of the forum and the role that they play in the truth-telling process in Aceh.²⁶ Prior to the hearing testimony forum itself, the survivors gather together for two days to get to know one another, to share their stories, build solidarity and learn about the causes of the violence that affected their lives so profoundly. During this time, they also take part in a simulation, to prepare the survivors and witnesses so that they are able to convey the message they wish to share.

During the two days of this first hearing testimony forum in 2018, all 14 survivors spoke about their experiences of torture during the conflict in Aceh. Their testimonies were heard by the approximately 300 people in attendance, including representatives of the national and provincial government, some international representatives, university students and academics, activists, journalists, school students and members of the general public.

Documentation, databases and data analysis

Reflecting on her work as the director of the database developed for the truth commission in Guatemala, Sonia Zamboro discusses the work of professional physical archives and how to create useful functioning databases concerning human rights violations.²⁷ She explains how such a database needs to be able to provide timely and relevant information, both digital and physical, and that the work needed to achieve such a database is both complex and time-consuming. This work also requires collaboration between a variety of professionals, from experts on specific events, to investigators, to archivists, data entry specialists and information technology experts. To achieve this,

26 As of August 2018, the KKR team had recorded information about 113 specific events involving human rights violations. Sixty of those who gave statements about these events experienced torture. The statements of only 11 of these contained detailed information about torture. Most statements did not contain detailed information regarding specific acts of torture; others who gave statements said they were not willing to give public testimony because they had concerns about their safety.

27 Sonia Zambrano, 'The Guatemalan Commission for Historical Clarification: Database Representation and Data Processing,' in *Making the Case: Investigating Large Scale Human Rights Violations Using Information Systems and Data Analysis*, ed. Patrick Ball, Herbert F. Spirer and Louise Spirer (Washington, DC: American Association for the Advancement of Science, 2000), 287–300.

Zambrano recommends systematic methods for information collection, such as consistent instruments for information collection and systematic methods for classifying the information in the database, such as the creation of glossaries that allow for information to be classified and recorded in as standardised a way as is possible. This enables information in the database to be retrieved and cross-checked, and for the database to be searchable for specific types of information.²⁸ Any commission database must also be able to incorporate data from a wide variety of sources. For example, material may be provided by human rights organisations that focus on the missing, and their materials may include archival sources, forensic results and information provided in statements from family members.

Once the commission staff in the field have collected statements for the KKR Aceh, these statements are entered into the database. Each statement is processed so that the information provided can be entered into the database system – for example, information related to the patterns and forms of violence, and the impacts of the violence on the victims. The commission uses an 'events-based' methodology for analysing the statements so that the information from them can be entered into the database, one originally developed by the HURIDOCs (Human Rights Information and Documentation Systems, International) network.²⁹ This events-based approach uses a program called OpenEvSys, an effective and user-friendly, web-based database application program. This database analysis model allows for the connection and identification of people, actions and events. It is depicted in simplified form in Figure 5.1.

Using this methodology, data can be compiled systematically. The methodology allows a range of elements relating to events to be captured: who did what, to whom, when and where, and how each element links to others, whether one victim or multiple victims are involved. It can be used to document both violations committed by the state and cases of negligence, or failures by the state to protect the rights of citizens. Most importantly, this events-focused data analysis methodology enables the KKR Aceh to carry out its mandate to examine not only cases of violations but also the patterns and causes of these violations.

28 Zambrano also gives detailed examples of how to define criteria for classifying information, see Zambrano, 'The Guatemalan Commission', 294–95.

29 For a manual on the HURIDOCs system, see Judith Dueck, Manuel Guzman, and Bert Verstappen, *HURIDOCs Events Standard Formats: A Tool for Documenting Human Rights Violations*, Rev. 2nd edition (Versoix: HURIDOCs, 2001), huridocs.org/wp-content/uploads/2020/11/HURIDOCs_ESF_English1.pdf.

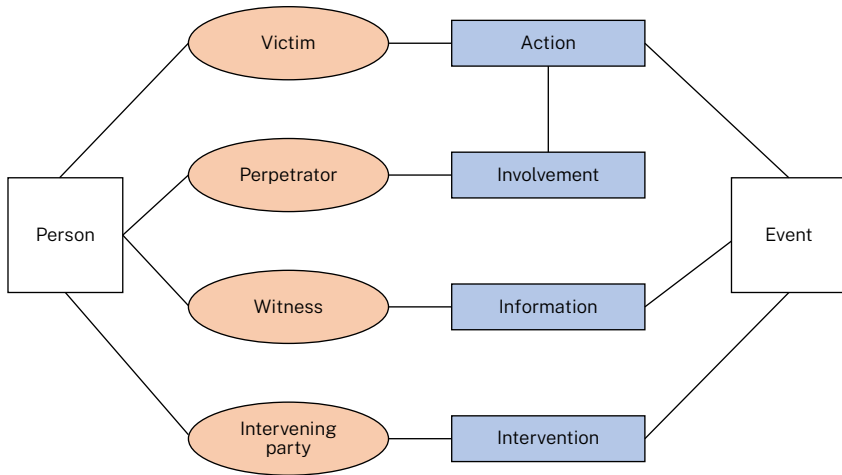


Figure 5.1. Simplified data model, based on the HURIDOCS data model³⁰

Source: Created by authors.

Findings and discussion: impacts of the statements and hearing testimony forums

In this section we discuss some of the findings and impacts of the statement-taking and hearing testimony work of the KKR Aceh. We draw on some of the observations and statements made by staff members, and those who have participated in this work as survivors and witnesses. We also examine some of the impacts that the statement-taking and hearing testimony forums have had on the KKR Aceh's aims, as well as the complexities and limitations of each process. We will address four main areas:

- knowledge of the facts and patterns of human rights violations that were commonly experienced
- the provision of space for victims to speak, and opportunities for recovery
- security guarantees and the anticipation of possible retaliation against victims
- the handling of urgent needs.

³⁰ The HURIDOCS system contains a range of models for describing and connecting persons (and types of persons, such as victims, bystanders and perpetrators, and sources of information, etc.), with acts and events, including models for describing more complex chains of events. For a more complex model of the HURIDOCS data model see Dueck, Guzman, and Verstappen, *HURIDOCS Events Standard Formats*, 223.

Knowledge of the facts and patterns of common human rights violations

After some initial challenges in convincing survivor communities to participate in the statement-taking work, addressed above, the KKR Aceh staff managed to establish a generally positive dialogue with community members, and many gave their statements. New problems, however, arose during this process. One of the main problems was that many statements lacked detail – in particular, specific details of human rights abuses. This was due to several factors, including a lack of precision in the interview questions, the inexperience of the statement-takers, and insufficient communication between the statement-takers and potential witnesses about the information sought through the statement-taking process. After some initial statements had been taken and analysed, it was clear that the KKR Aceh field staff needed to be more detailed in their approach, and that they needed greater assistance to do this work.

Giving testimony is not a simple matter. Susan Brison, in her book *Aftermath: Violence and the Remaking of a Self*, emphasises the importance of first-person accounts as testimonials. According to Brison, such first-person accounts can serve as powerful philosophical tools:

In philosophy, first-person narratives, especially ones written by those with perspectives previously excluded from the discipline, are necessary for several reasons ... (1) to expose previously hidden biases in the discipline's subject matter and methodology; (2) to facilitate understanding of (or empathy with) those different from ourselves; and (3) to lay on the table our own biases as scholars.³¹

Vittorio Bufacchi examines testimony and the politics of truth in the context of truth and reconciliation commissions.³² As Bufacchi points out, these commissions deal with some of the 'most notoriously troublesome topics ... namely, the nature of truth and the role of testimony in acquiring knowledge'. Further, they suggest that 'we can establish "the truth" simply by way of collecting "testimonies", more precisely the testimony of witnesses'.³³ Bufacchi emphasises how giving testimony should be seen not just as a

31 Susan Brison, *Aftermath: Violence and the Remaking of a Self* (Princeton: Princeton University Press, 2002), 26.

32 Vittorio Bufacchi, 'Knowing Violence: Testimony, Trust and Truth,' *Revue Internationale de Philosophie* 2006/1, no. 235 (2006): 277–91, doi.org/10.3917/rip.235.0277.

33 Bufacchi, 'Knowing Violence,' 282.

source of testimonial knowledge, but also as a speech act. As a speech act, the witness performs a claim to truth, and 'the act of giving testimony, and the act of taking a testimony, are both valuable because of the mutual recognition of trust being bestowed on the actors involved in this particular speech act'.³⁴

As of June 2019, the KKR Aceh had taken 2,317 statements from victims, most of whom were from Aceh Besar, Bener Meriah, Aceh Utara, Lhokseumawe, Aceh Jaya and Aceh Barat.³⁵ More than 1,200 of those who identified as victims of abuses were men, with only around 15 per cent of victims being women (fewer than 200). The types of abuses described in these statements include torture and other forms of physical abuse, arbitrary or unlawful detention or imprisonment without due legal process, murder and arbitrary arrest. The KKR Aceh team also recorded cases of enforced disappearances and the destruction of property.³⁶

The violence perpetrated as part of these offences varied widely. Many cases involved the use of deadly force. For many survivors of these varying forms of violence there were ongoing physical and psychological effects. Many of those who took part in giving a statement to the commission were deeply scarred by their experiences. Some of the psychological effects described by survivors included feelings of fear and depression, and many became deeply upset when recounting their experiences. Others expressed feelings of ongoing trauma whenever they encountered members of the police or army, and many experienced high levels of stress and anxiety. These feelings were exacerbated by additional surveillance and reporting measures that they had endured (such as being ordered to report regularly to military commands), and they said that they feared threats of further violence.

Apart from the many psychological impacts, survivors also described a range of physical sequelae from the abuses they endured. These physical effects included both short-term and long-term injuries. Their injuries included bruising; broken bones; cuts and other penetrating wounds, including from bullets; the removal of body parts, including eyeballs; burns inflicted with open flames and implements such as cigarettes and hot irons; and various significant internal injuries, such that survivors recalled coughing up blood. Some victims were grievously wounded and suffer ongoing loss

34 Bufacchi, 'Knowing Violence,' 283.

35 This was the total number of statements recorded in the KKR Aceh database as of 22 July 2019.

36 Total number in the KKR Aceh database as of 22 July 2019. The total number of statements collected by late 2021 was 5,794.

and impairment to limbs, organs and functions, such as deafness from being hit repeatedly with a rifle butt, impaired speech from having had a broken jaw, kidney failure, and partial or total blindness. Survivors and the family members of victims also spoke of those who had died from their injuries. For some women survivors, they further spoke of some of the ongoing impacts of the sexualised and gender-based violence they experienced. Among them were women who had experienced premature births and miscarriages as a result.³⁷

Providing space for victims to speak and opportunities for recovery

A central concern of the KKR Aceh's testimony-gathering work, and the hearing testimony forums, is whether these processes assist survivors to recover or heal. One of the commission's main goals is to assist with the recovery of victims in a way that helps them to go on with their lives. According to Hamber, however, recovery is rarely a linear process in which particular patterns of recovery apply equally to all victims, as each individual has both unique and diverse needs in the aftermath of trauma. Recovery depends on many factors, including the level of trauma, and an individual's current socioeconomic and psychological needs. Furthermore, recovery will not be achieved through a single intervention, but is, rather, an ongoing process.³⁸

Through our involvement in, and observation of, the statement-taking and hearing testimony processes of the KKR Aceh, we found that these processes generally had a positive impact on the participating survivors. These impacts from the truth-telling processes, of course, varied from person to person. For some, giving testimony was a positive experience overall, as they had an opportunity to talk, and felt acknowledged and supported by the KKR Aceh. 'HM', one of the KKR staff field coordinators, stated that they noticed a distinct change in attitude towards the staff among the locals after the statement-taking process:

37 One woman interviewed as part of this research, 'IW', explained that one of the physical consequences from the damage done to her reproductive organs during her torture was that she had had a number of miscarriages. Interview with IW, conducted by Atikah Nuraini, 10 July 2019, Banda Aceh.

38 See Brandon Hamber, *Transforming Societies after Political Violence: Truth, Reconciliation, and Mental Health* (New York: Springer, 2009), 61–75.

When we first arrived, some were happy. Most of them accepted us and were happy [we had come]. There were a few who were initially suspicious and disappointed because [in the past] NGOs had turned up before and told them there'd be aid. They said, I don't want to be asked about this anymore, nothing ever comes of it. But then I explained the KKR's work and what we wanted to do. Then they accepted us.³⁹

HM added that some victims were eager to share their experiences after they understood what the KKR statement-taking process was all about. As one of the survivors explained:

We are not just hoping that you'll help us, but that you'll record all of this in history. So, you are the history people; you're the ones who will write down our stories directly from us, and we want our stories to be there for our children.⁴⁰

For one mother, the statement-taking process was the first time she had spoken to anyone officially about the loss of her son during the conflict:

I'm happy, because before now no-one has asked me to tell the story of my son being shot. Many of my neighbours have been approached to give information [about the conflict] before, but I never was. But now I've also been visited [and told my] story.⁴¹

Furthermore, for those survivors who agreed to take part in the public hearing testimony forums, staff from the commission reported that they had observed positive changes in survivors before and after the forums. Some of the staff said that the participants of the hearing testimony forum seemed relieved and more open after the experience, as if giving testimony before the forum had helped to ease the burden of past memories. For some of the forum participants with whom we spoke, they said that being part of the forums helped them to feel like they had not been forgotten. Two survivors from Bener Meriah, for example, said that they had always felt that the state did not care about them and had forgotten them, but that these feelings changed during the hearing testimony forum. One of the women who took part in the first forum emphasised how giving testimony had been an opportunity to tell the public about what had happened to her:

39 Interview with 'HM', conducted by Atikah Nuraini and Fitriani, 10 July 2019, Banda Aceh.

40 Interview with the wife of a victim, conducted by Atikah Nuraini and Fitriani, 10 July 2019, Aceh Besar.

41 Interview with the survivor, conducted by Atikah Nuraini and Fitriani, 10 July 2019, Aceh Besar; and personal statement recorded by Helmi on the same date.

When I spoke at the hearing testimony [forum] I was very excited to be telling my story. I wanted to get everything out because I wanted everyone to know what had happened to me. Let them all know what happened!⁴²

Members of the KKR Aceh staff also found that, after participating in the hearing testimony forums, survivors became more active in speaking openly about their experiences. This change was particularly noticeable in one survivor who gave testimony at the forum, someone who had been quiet for most of the time, rarely speaking. This survivor said:

After returning from Banda Aceh [from the public hearing testimony forum], I became more enthusiastic because I felt as if the government was actually listening to what I felt.⁴³

The man's wife, who also attended the forum, supported this statement. After giving testimony at the forum, she explained, her husband felt much more open:

Now my husband is no longer so depressed; he's more cheerful. [It was] because of what he has kept inside all this time and never told anyone else, things he's [only] told me.⁴⁴

One survivor from Pidie wrote a song, which he sang during a meeting of survivors after the hearing testimony forum. He sang it in Acehese, and it roughly translates as:

Those who have been unnoticed for so long have now come forward,
Those who have been buried for such a long time have now been delivered,
Hopefully these feelings of sadness, sorrow and pain can be healed,
Hopefully this attention doesn't end here,
Don't just leave the victims on their own.⁴⁵

42 Interview with the survivor who gave testimony at the first hearing testimony forum, conducted by Atikah Nuraini and Fitriani, 10 July 2019, Aceh Besar.

43 Interview with the survivor who gave testimony at the first hearing testimony forum from Bener Meriah, conducted by Atikah Nuraini and Fitriani, 10 July 2019, Aceh Besar.

44 Interview with the wife of this survivor (see note 43, above) who gave testimony at the first hearing testimony forum from Bener Meriah, conducted by Atikah Nuraini and Fitriani, 10 July 2019, Aceh Besar.

45 Song written by this survivor from Pidie for the first hearing testimony forum.

Some of those who gave public testimony said the experience helped them to better manage their feelings. Others explained that it had made them feel more comfortable about taking part in further testimony-giving or research. Many said that the two-day preparation workshop in the lead-up to the hearing testimony forum was valuable in helping them prepare for the experience. The workshop was an opportunity for them to meet with other survivors, to share stories and experiences, and it helped them to build solidarity.

One witness from Aceh Besar, 'EY', said that the process of giving her statement and sharing her experiences had been retraumatising, particularly when she had given information about her experiences of sexual violence. The hearing testimony forum, however, she explained, had given her the courage to reveal what she had been hiding. The two-day workshop prior to her giving public testimony, EY said, gave her the confidence to tell her story. For EY, the recovery process would be difficult, but the chance to share an experience openly that she had kept hidden was an empowering process. As EY explained:

I never told anyone, not my neighbours, no-one ever. But when I was there [at the hearing testimony forum], I told it all. After that, it was like all my [burdens] were gone. The matter [sexual violence] that I spoke about, I can't explain why but I felt that I was ready to talk ... I didn't think I could keep [it] inside any more.⁴⁶

Restoring participants' confidence in the role of the state was another issue that came up during the public hearings. One of the witnesses, during his testimony, explained that the public hearing testimony forums were a sign that the state still cared about the victims and that they, the victims, had not been forgotten:

I always thought the government didn't care about us victims, but now that I've told my story [at the hearing testimony forum] in Banda Aceh, I feel more relieved, and now I can tell people. This has had a positive impact on the victims, but we've also had a good response [from the public].⁴⁷

46 Interview with 'EY', conducted by Atikah Nuraini, Oni Imelva and Fitriani, 10 July 2019, Aceh Besar.

47 Interview with 'NZ', conducted by Atikah Nuraini, Oni Imelva and Fitriani, 10 July 2019, Aceh Besar.

At this interview, one of the KKR Aceh staff members who was supporting victims at the preparatory workshop added:

I've seen changes [in the participants] during the hearing testimony activities. Victims feel that they have a place and space to talk and to tell their grievances about what they experienced to the government, so they feel listened to. It's fair to say that the victims' trust in the government was lost, but from the hearing testimony, it's returned and is growing again.⁴⁸

One of the KKR's senior field coordinators made similar observations of how the public testifying process has affected the survivors, saying:

[Most of them] feel relieved because everything they have had to hold inside can come out. [Some of them] say that they didn't know who to tell. Some ... feel a sense of self-confidence, or that they're not alone any more, or they're not afraid any more. But almost all of them expressed relief, as if a burden had been lifted.⁴⁹

Despite some positive outcomes for the survivors who participated in the hearing testimony forums, the effects of the violence they experienced remain a heavy burden. The trauma of their experiences continues to haunt most, as the effects of the violence continue. As one survivor stated: 'Because I was arrested and detained, my mother fell ill and died, and this is what makes me the saddest, even now.'⁵⁰

Within the KKR Aceh's field teams, the regional coordinators play a crucial role in identifying potential witnesses for the public forums and supporting them through the process. One regional coordinator from Bener Meriah, 'MZ', explained that this role could sometimes be overwhelming:

I have [to] ask for backup from the statement-taking officers ... [but] really we need a special team to assist the witnesses ... [in order] to nurture their self-confidence. Some witnesses who aren't supported find it very difficult when they're asked to repeat their stories, [so we help them] to practise telling their story.⁵¹

48 Interview with 'TW', KKR Aceh staff member, conducted by Atikah Nuraini, 10 July 2019, Banda Aceh.

49 Interview with 'SS', KKR Aceh staff member, via telephone, conducted by Atikah Nuraini, 22 July 2019.

50 Statement by 'ZN' during the preparatory workshop before the KKR Aceh hearing testimony forum, Banda Aceh, 26–27 November 2018.

51 Interview with 'MZ', KKR Aceh Regional Coordinator for Bener Meriah, conducted by Oni Imelva, 11 July 2019, Bener Meriah.

As several studies about other truth commissions have shown, survivors and other witnesses can find public truth-telling retraumatising. This is particularly the case when the psychological needs of the witnesses are not supported.⁵² The absence of serious follow-up to address the physical, emotional and psychological needs of witnesses – such as through the provision of counselling and medical services – can cause participants to lose confidence in the truth-telling process and experience a repeat of the trauma.⁵³ In his research on the South African Truth and Reconciliation Commission (South African TRC), for example, Hamber found that victims complained that the commission had reopened old wounds but not provided any psychological support afterwards.⁵⁴ From her work as a psychologist with witnesses before the South African TRC, Trudy de Ridder found that while there was some support after giving witness statements, that support did not continue for as long as the survivors needed it. Instead, de Ridder found that, although many witnesses felt relief or even joy after giving testimony, the trauma and injury would return in the following months, and when this happened, the support was not available.⁵⁵

One of the KKR Aceh staff members, 'IW', explained that victims need further help during and after the public hearing testimony forums, particularly through meaningful conversations on a regular basis. While these conversations are not a formal counselling activity, the KKR Aceh team think they are important. According to IW, the testimony-giving process is likely to retraumatise witnesses in some way. This staff member explained that, although the survivors often feel relieved, relaxed or 'lighter' after telling their stories at the hearing testimony forums, the teams must always follow up witnesses to support their emotional needs afterwards. These follow-up conversations, IM said, are an important way for the teams to offer their support.⁵⁶

52 See, for example, Karen Brounéus, 'The Women and Peace Hypothesis in Peacebuilding Settings: Attitudes of Women in the Wake of the Rwandan Genocide,' *Signs* 40, no. 1 (2014): 125–51, doi.org/10.1086/676918; Brandon Hamber, and Richard A. Wilson, 'Symbolic Closure through Memory, Reparation and Revenge in Post-conflict Societies,' *Journal of Human Rights* 1, no. 1 (2002): 35–53, doi.org/10.1080/14754830110111553; Bernard Rimé et al., 'The Impact of Gacaca Tribunals in Rwanda: Psychosocial Effects of Participation in a Truth and Reconciliation Process after a Genocide,' *European Journal of Social Psychology* 41, no. 6 (2011): 695–706, doi.org/10.1002/ejsp.822.

53 See, for example, Holly L. Guthrey, *Victim Healing and Truth Commissions: Transforming Pain through Voice in Solomon Islands and Timor-Leste*, Springer Series in Transitional Justice, 11 (Cham: Springer, 2015), 144–46.

54 Hamber, *Transforming Societies*, 59.

55 Trudy de Ridder, 'The Trauma of Testifying: Deponents' Difficult Healing Process,' *Track Two: Constructive Approaches to Community and Political Conflict* 6, nos. 3–4 (1997): 1–6, journals.co.za/doi/pdf/10.10520/EJC111681.

56 Interview with 'IW', conducted by Atikah Nuraini, 10 July 2019, Banda Aceh.

From our involvement in the KKR Aceh's truth-telling processes, and from speaking to witnesses and other members of the commission's staff, we argue that the processes of statement-giving and participating in the public forums have a significant impact on survivors. These experiences do appear to have at least some positive effects on participants, based on what they have said, and the observations made by the KKR Aceh's supporting staff members about changes in perceptions and behaviours. However, it is also clear that many survivors are still haunted by the violence they experienced in the past, and some remain anxious and fearful. Thus, one serious question we must ask is: can the truth-telling process have some cathartic value and, if so, can this assist in healing the trauma of witnesses?⁵⁷ From the experience of the truth-telling processes held by the Aceh commission to date, we are able to observe the cathartic effects of participating in these processes, but the long-term impacts on the recovery of survivors requires further research.

From her research into the role that giving testimony can have in the recovery of victims, Holly L. Guthrey explains that a truth and reconciliation commission can provide an important restorative space for victims to regain their dignity and empower themselves. When we reflect on the work and processes of the KKR Aceh, therefore, how can we be sure that this will happen? How can the victim's voice, as expressed in their statements and narratives, be useful for victims' healing or recovery from trauma? Guthrey explains that there are three avenues by which giving testimony can help victims to heal: as a means of empowerment, catharsis and social acknowledgement.⁵⁸

Ensuring security and anticipating retaliatory threats against witnesses

One of the impediments to public hearings is ongoing threats to security. In the immediate postconflict or interregnum periods of transitional justice processes, some commissions have found it difficult to ensure the protection of witnesses from perpetrators. In Sri Lanka, for example, some witnesses received death threats, which forced the commission to cancel

57 Brandon Hamber also asks this question – see Brandon Hamber, 'Does the Truth Heal? A Psychological Perspective on Political Strategies for Dealing with the Legacy of Political Violence,' in *Burying the Past: Making Peace and Doing Justice after Civil Conflict*, ed. Nigel Biggar (Washington, DC: Georgetown University Press, 2003), 155–74.

58 Guthrey, *Victim Healing and Truth Commissions*, 37.

its planned public hearings and to hold them as closed sessions instead.⁵⁹ Anticipating possible threats, the KKR Aceh has worked closely with a range of institutions to ensure the protection of witnesses during the statement-taking and hearing testimony processes, including the police and the Lembaga Perlindungan Saksi dan Korban (LPSK, Agency for the Protection of Witnesses and Victims).

The Aceh commission also considers the safety of witnesses after they have provided testimony. One of the witnesses from Aceh Besar who participated in the November 2018 hearing testimony forum, EY, reported that neither he nor his family had received threats from his community after the forum. He also reported, however, that because of his appearance in the forum, his name and face became easily recognisable, and for several months afterward, strangers would come to his home, for a variety of reasons, many of them wanting to interview him.⁶⁰

The mechanisms put in place to ensure the security of witnesses need to be long-term, but they also need to be adapted to the needs of those witnesses. The Peruvian Truth and Reconciliation Commission, for example, which investigated abuses committed in Peru between 1980 and 2000, created a set of guiding principles for the security protocols to protect witnesses. Part of those protocols specified the principles of gender inclusiveness, stating that 'hearings will reflect an adequate balance of male and female testimonies, as well as an examination of sexual violence cases and other forms of victimisation that have disproportionately affected women'.⁶¹

At a minimum, the KKR Aceh should be able to interview any person with relevant information, have the cooperation of public authorities, and conduct any necessary visits to relevant locations. Those who participate in these processes may be at risk of physical threats or intimidation, and the commission must have the power and capacity to protect them. Such protection is particularly important for those who participate in the hearing

59 Hayner, *Unspeakable Truths: Transitional Justice*, 220.

60 Interview with 'EY', conducted by Atikah Nuraini and Fitriani, 10 July 2019, Aceh Besar.

61 Comisión de la Verdad y Reconciliación (CVR), 'Las Audiencias Públicas: Principios Normativos y Operativos,' internal documentation of the Unidad de Audiencias Públicas y Protección de Víctimas y Testigos de la CVR, cited in Kelli Muddell and Sibley Hawkins, *Gender and Transitional Justice: A Training Module Series, Module 2* (New York: International Center for Transitional Justice, 2008), 33, [ictj.org/sites/default/files/2_Gender%20%26%20TJ%20-%20Truth%20Seeking%20-%20Speaker%20Notes.pdf](https://www.ictj.org/sites/default/files/2_Gender%20%26%20TJ%20-%20Truth%20Seeking%20-%20Speaker%20Notes.pdf).

testimony forums.⁶² The KKR Aceh's staff try to anticipate and assess potential threats and inform witnesses of their security measures prior to the forum. The commission works with the police to provide monitoring and protection, using measures such as the preparation of safe houses to protect those taking part in the forums, should they be directly threatened.

Urgent reparations assessments

Those who take part in the KKR Aceh's work by giving a statement, or giving testimony at one of the public forums, often need a range of support mechanisms before, during and after their engagement with the commission. An important part of the KKR Aceh's work is to assess and respond to the needs of victims, and to respond in a timely way in the case of urgently needed assistance.

Almost all victims need at least some counselling and psychosocial support. As many live in poor socioeconomic conditions, they also need some economic support. This assistance, however, can take many forms and depends on each person's needs. One survivor, for example, who worked as a truck driver, needed some assistance to obtain a new driver's licence so that he could continue to work and support his family.⁶³ Other cases are more complex and require a range of assistance measures. One man who is both physically disabled and blind, and is dependent on his family members for care, was excited to take part in the hearing testimony forum but also explained how he often worried about the future, for both himself and his family. 'What if something happened to my family? How could I survive then?'⁶⁴ Another elderly witness needed a range of support measures. This elderly lady suffers from diabetes and has a range of mobility impediments. She also has chronic pain in her face, jaw, ears and mouth as a result of the torture she suffered when her teeth and jaw were crushed. The urgent care assessment for this woman recommended that she be given assistance to obtain a set of dentures, and to attend medical appointments at the nearby hospital.⁶⁵ Each case needs to be handled with care. Conducting these assessments, and ensuring that urgent reparation measures are carried

62 On protection measures necessary for TRC participants, see OHCHR, *Rule-of-Law Tools for Post-conflict States: Truth Commissions* (Geneva: Office of the United Nations High Commissioner for Human Rights, 2006), 10, 23–24.

63 Interview with 'AT', conducted by Fitriani, 29 July 2019, Bener Meriah.

64 Interview with 'NT', conducted by Fitriani, 22 June 2019, Bener Meriah.

65 Interview with 'TN', conducted by Atikah Nuraini and Fitriani, 10 July 2019, Aceh Besar.

out, presents some challenges for the KKR Aceh. At the time of writing, the commission was still developing its internal processes and guides for providing assistance with reparations.

Urgent reparations are a critical part of the transitional justice process and can take a range of forms (see also Chapter 2 of this volume). Truth and reconciliation commissions are bodies that have the authority and the funds to administer urgent reparations; other bodies, such as a court, may order the state to provide immediate assistance to victims of human rights violations – for example, through the provision of medical care. States can also set up separate administrative programs to respond to the immediate needs of victims.⁶⁶

In the case of Timor-Leste, for example, the Comissão de Acolhimento, Verdade e Reconciliação (CAVR, Commission for Reception, Truth and Reconciliation) implemented an urgent reparations scheme for those seriously affected by the conflict, including for victims of sexual violence. A total of 712 victims with urgent needs were assisted with a range of services, and each was given US\$200, with some supported further to take part in a range of workshops organised by the commission. The CAVR worked in partnership with local NGOs, such as the Forum Komunikasaun ba Feto Timor Lorosa'e (Fokupers, Communication Forum for Timorese Women), to develop a number of pilot projects to set up collective measures for urgent reparations for communities badly affected by the conflict. Unfortunately, once the CAVR ended, there was little or no follow-up with these communities.⁶⁷

Another issue that the KKR Aceh has to consider in designing and implementing its reparations program is the specific needs of victims of sexual violence. Victims of sexual violence face a range of mental and physical health problems as a result of the crimes perpetrated against them, and very few have access to adequate health services. The reproductive health problems reported by survivors to the KKR Aceh include serious physical problems from injuries that included acts of vaginal and/or anal

66 See, for example, OHCHR, *Guidance Note of the United Nations Secretary-General: Reparations for Conflict-Related Sexual Violence* (Geneva: OHCHR, June 2014), 12, digitallibrary.un.org/record/814902?ln=en.

67 On the CAVR reparations programs, see International Center for Transitional Justice, *Unfulfilled Expectations: Victims' Perceptions of Justice and Reparations in Timor-Leste* (Brussels: International Center for Transitional Justice, February 2010), ictj.org/sites/default/files/ICTJ-TimorLeste-Unfulfilled-Expectations-2010-English.pdf.

mutilation. Among the problems are uterine fistula or prolapse, and other serious long-term physical impacts on victims' reproductive systems, as well as on their urinary and digestive health. Some also suffer from other serious illnesses, including HIV/AIDS, and are in urgent need of medical care and other services. The assessment of, and provision of assistance to, survivors with these complex and urgent needs is one of the most important roles for the KKR Aceh.

Conclusion

Dealing with Aceh's long-lasting conflict is a complex and time-consuming task. The KKR Aceh is faced with a range of challenges in the fulfilment of its mandate to uncover the truth about the abuses committed during the conflict and to bring about reconciliation in the province. In this chapter, we have discussed some of the KKR Aceh's main challenges and how it has dealt with them during the first few years of its operations. We focused primarily on how the statement-taking process and the hearing testimony forums – critical parts of the commission's truth-seeking and truth-telling tasks – may have contributed to the recovery of victims.

Based on our work with survivors, and our interviews with a range of witnesses and staff from the KKR Aceh's various project teams, we would argue that, although these processes may facilitate catharsis and empowerment for victims, they are not enough on their own. It is not the only task of the KKR Aceh to provide a space for survivors to speak. The commission must also provide a range of support and follow-up mechanisms as well. These include anticipating and handling security threats, and finding meaningful and longer-term support mechanisms for victims, particularly for those who need urgent reparations. It is through the provision of these additional support structures that the main aims of healing and recovery may be achieved.

6

The KKR Aceh's mapping of torture practices

Muhamad Daud Berueh, Faisal Hadi
and Annie Pohlman

A legacy of torture

My hands and arms were beaten repeatedly. Even now, I can't use my arms that well. I can't really work in the rice fields, can't wash things for too long, because my arms go numb. They're like that even now. The time that I was detained at the regional police station, my hands were beaten often. They'd hold on to the ends of my fingers and start beating them. I was beaten using their black batons, like the ones that security guards usually carry. Then I was given electric shocks when I was taken to [another detention centre]. My toes had a clamp attached to them, and then I was given electric shocks. It's only now, years later, that I can start to get back to normal. At first, I couldn't do anything ... Even now, I can't cut rice properly because I can no longer do it, because I can't hold the rice for long; my hands go numb.¹

1 Personal statement by 'Wani'. All names and other identifying information for those whose testimonies appear in this chapter have been de-identified and anonymised. Most names have been replaced by randomised initials. All quotes have been translated into English by the authors. Copies of personal statement transcripts collected by the KKR Aceh were shared, with the permission of the commission, with the authors for the purpose of this paper. The collaborative work for this chapter was supported by a Sydney Southeast Asia Centre (SSEAC) Workshop Grant (University of Sydney), as well as by contributions from the KKR Aceh, KontraS Aceh (Komisi untuk Orang Hilang dan Korban Kekerasan, Commission for the Disappeared and Victims of Violence, Aceh branch), and Asia Justice and Rights (AJAR). Research by Pohlman was also supported by Australian Research Council Discovery Early Career Researcher Award, 'How Does Torture Become Normal? Indonesia's New Order Regime, 1965–1998' (DE170100619).

Wani (a pseudonym) lives with her husband and children in a village not far from the capital, Banda Aceh, in Indonesia's westernmost province of Aceh. As with most people in the village, Wani and her family make a subsistence living from growing rice on their smallholding, which Wani sometimes supplements by selling foodstuffs at a kiosk. Wani is now in her late thirties, but the torture she endured as a young woman nearly two decades ago has ongoing negative effects on her physical and psychological wellbeing. Wani was detained and interrogated twice in the early 2000s, during the last period of intense counterinsurgency deployment by the Indonesian military against the secessionist Gerakan Aceh Merdeka (GAM, Free Aceh Movement). This 30-year conflict finally ended with the 2005 peace agreement, which was signed by GAM and the Republic of Indonesia following the devastating Indian Ocean tsunami in December 2004.²

Wani is one of thousands in Aceh who has given a personal statement to the field team of the Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh, Aceh Truth and Reconciliation Commission) since their work began in 2016. In her statement, Wani gave details about her and her family's involvement in GAM, the violations they suffered and the effects of this violence, as well as her hopes for the future. She spoke of her detention at various police and military facilities, and the forms of physical, sexual and mental torture and ill-treatment that she suffered at the hands of Indonesian security-service personnel.

As Wani explained, when she was released after her second period in detention, she found it difficult to cope with 'everyday life and everyday activities'. 'For two years after [I was] released, my family tried to get me some treatments, traditional medicines and the like; I even ended up going to a doctor.' Her family were worried, Wani explained, because 'my clothes were never neat ... [because I couldn't] iron or put them away nicely any more. I couldn't be nice and neat like everybody else.' These first two years when she 'couldn't do anything' were followed by gradual stages of recovery for her and her family. Nearly 20 years on, however, the torture that Wani experienced continues to affect her and her family. Physically, her livelihood is diminished because of the ongoing weakness in her arms and hands. While she makes some money by preparing and selling food at a small kiosk, she cannot undertake the labour necessary for their rice planting and

2 For an analysis of the conflict, see Edward Aspinall, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia* (Stanford: Stanford University Press, 2009); specifically on the MoU and the end of the conflict, see Chapter 8 of that book, 220–47.

harvest. Wani explains, however, that the ongoing psychological impacts are what affects her the most. As an example, she says that she still goes out of her way to 'avoid meeting or talking with police or soldiers, even my own [family member], who's a member of the police now. I often avoid him; I can't stand to look at him.'

Wani's statement, along with the many other personal statements gathered by the KKR Aceh's field team, gives some insight into the violence experienced by thousands in Aceh during the conflict, and the legacies of that violence. In her statement, Wani gives details about her personal experiences of detention, interrogation, torture and other forms of prohibited ill-treatment that were used frequently against civilians as part of the Indonesian military's counterinsurgency operations in the province. Throughout the period of conflict between GAM and the Indonesian forces (1976–2005), civilians were killed and injured by both sides.³ This took place during the periods of heightened Indonesian military operations between 1989 and 1998 (the DOM period, from the designation of Aceh as a Daerah Operasi Militer, or Military Operations Zone), and again in the early 2000s, when Indonesia declared a 'military emergency' that saw the widespread use of disappearances, extrajudicial killings and arbitrary detentions by the Indonesian military against Acehnese civilians accused of supporting GAM.⁴ These periods of heightened military activity involved the pervasive use of terror tactics, aimed at GAM combatants and civilians alike, which created everyday conditions of violence, surveillance and trauma for communities across Aceh, and displaced large parts of the population.⁵

3 On the conflict, see Aspinall, *Islam and Nation*; Asia Watch, 'Indonesia: Human Rights Abuses in Aceh,' *News from Asia Watch*, 27 December 1990, hrw.org/reports/pdfs/i/indonesia/indonesi90d.pdf; and Matthew N. Davies, *Indonesia's War over Aceh: Last Stand on Mecca's Porch* (New York: Routledge, 2006), doi.org/10.4324/9780203968802.

4 On these terror tactics, see Amnesty International, *Indonesia: 'Shock Therapy': Restoring Order in Aceh 1989–1993* (London: Amnesty International, 27 July 1993), ASA 21/07/93, amnesty.org/en/documents/asa21/007/1993/en/; Human Rights Watch, 'Indonesia: The War in Aceh,' *Human Rights Watch Report* 13, 4 (c), August 2001; Human Rights Watch, 'Aceh under Martial Law: Inside the Secret War,' *Human Rights Watch* 15, no. 10 (c), December 2003, 13–41.

5 On the militarisation of daily life in Aceh and its effects, see Catherine Smith, 'A Stranger in One's Own Home: Surveillance, Space, Place, and Emotion during the GAM Conflict in Aceh,' *Indonesia* 100 (2015): 53–76, doi.org/10.5728/indonesia.100.0053; Jacqueline Aquino Siapno, *Gender, Islam, Nationalism and the State in Aceh: The Paradox of Power, Co-optation and Resistance* (London: Routledge, 2002), doi.org/10.4324/9781315029078; Suraiya Kamaruzzaman, 'Violence, Internal Displacement and Its Impacts on the Women of Aceh,' in *Violent Conflicts in Indonesia: Analysis, Representation, Resolution*, ed. Charles A. Coppel (New York: Routledge, 2005), 258–68, doi.org/10.4324/9780203099292.

In this chapter we focus on one of the core tasks of any truth commission – to investigate past serious abuses⁶ – with respect to the KKR Aceh's efforts to uncover the scope, forms and patterns of one type of grievous human rights abuse: torture. To do this, we draw on the personal statements of survivors such as Wani to discuss two primary issues: the KKR Aceh's investigation into the use of torture by Indonesian state security services during the conflict, and the commission's evidence-gathering and analysis of these practices. In the first part of our paper, we discuss the KKR Aceh's mandate to investigate human rights violations. Our focus is on torture, as this form of abuse was chosen by the commission as one of its main themes during its first term of operation (2016–21). We also briefly outline the KKR Aceh's personal statement-taking and other information collection practices, including its collaborative work with civil society organisations in the province. We then focus, in the second part of the chapter, on a select sample of this information based on 30 personal statements given by torture survivors, including Wani's. We conduct a preliminary, qualitative thematic analysis on this small sample and outline the patterns of torture used against these 30 victims. Lastly, we briefly reflect on our findings and the KKR Aceh's progress to date to fulfil its mandate to investigate past abuses.

Based on this preliminary analysis, we argue that torture was a key part of the Indonesian military's counterinsurgency campaign in Aceh. We find that the personal statements discussed in our paper lend further weight to the human rights and academic reporting about the use of torture and other abuses in the province during the conflict. From this select sample, there is evidence that torture became a routine and systematic crime perpetrated by the Indonesian security services against Acehnese civilians accused of being GAM supporters. As a key part of its mandate to collect and analyse evidence of human rights abuses, the KKR Aceh is amassing undeniable proof that shows how torture became an integral part of the Indonesian military's campaign in Aceh.

6 See Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd ed. (New York: Routledge, 2010), 11–13, doi.org/10.4324/9780203867822; Mark Freeman, *Truth Commissions and Procedural Fairness* (New York: Cambridge University Press, 2006), 14–22, doi.org/10.1017/CBO9780511584473.

The KKR Aceh's investigation into cases of torture

The Acehnese government passed legislation for the establishment of the KKR Aceh in December 2013, eight years after the 2005 peace agreement and extended negotiations. It was another two years before commissioners were selected, and it was not until late 2016 that the KKR Aceh was able to commence its work.⁷ The provincial legislation that lays out the commission's mandate (*Qanun Aceh* No. 17 of 2013) prioritises three aims: truth-seeking, reconciliation and reparations (Article 3). As explored by other chapters in this volume, the KKR Aceh has no power to seek prosecutions against alleged perpetrators.⁸ As argued in Chapter 2 of this volume, the KKR Aceh instead plays a complementary role to any potential judicial mechanisms in the province. The commission does, however, have a mandate to investigate and report on human rights violations, and to make recommendations for legal measures against alleged perpetrators (Articles 8 and 16).⁹ The KKR Aceh's truth-seeking functions, therefore, are relatively broad, despite the absence of any clear mechanisms for judicial or other accountability measures based on the commission's findings of this truth.

7 On delays in setting up the KKR Aceh, see Lia Kent and Rizki Affiat, 'Gambling with Truth: Hopes and Challenges for Aceh's Commission for Truth and Reconciliation,' in *Flowers in the Wall: Truth and Reconciliation in Timor-Leste, Indonesia, and Melanesia*, ed. David Webster (Calgary: University of Calgary Press, 2017), 142–154, regnet.anu.edu.au/sites/default/files/publications/attachments/2019-01/Lia%20Kent%20Gambling%20with%20truth.pdf; Titik Firawati, 'Reconciliation through Cooperation: The Case of Aceh,' in *The Promise of Reconciliation? Examining Violent and Nonviolent Effects on Asian Conflicts*, ed. Chaiwat Satha-Anand (New York: Routledge, 2016), 23–41, doi.org/10.4324/9781315134291; Edward Aspinall and Fajran Zain, 'Transitional Justice Delayed in Aceh, Indonesia,' in *Transitional Justice in the Asia-Pacific*, ed. Renée Jeffery and Hun Joon Kim (Cambridge: Cambridge University Press, 2013), 87–123, doi.org/10.1017/CBO9781139628914.

8 On the (purposeful) absence of prosecution mechanisms in favour of truth-seeking mechanisms in Aceh, see Jiwon Suh, 'Preemptive Transitional Justice Policies in Aceh, Indonesia,' *Southeast Asian Studies* 4, no. 1 (2015): 95–124, doi.org/10.20495/seas.4.1_95.

9 Within Indonesian law, there is a distinction made between 'human rights violations' (*pelanggaran HAM*; 'HAM' is an acronym for '*hak asasi manusia*') and 'gross human rights violations' (*pelanggaran HAM berat*), the latter referring to those perpetrated as part of crimes against humanity, genocide and war crimes. The KKR Aceh has a mandate to make inquiries into both (e.g. Article 8), although international crimes should, under Indonesian law, be investigated by the Komisi Nasional Hak Asasi Manusia Indonesia (Komnas HAM, Indonesia's National Human Rights Commission); the Attorney-General's Office remains the only body that can seek prosecutions in such cases. See Jeff Herbert, 'The Legal Framework of Human Rights in Indonesia,' in *Indonesia: Law and Society*, 2nd ed., ed. Timothy Lindsey (Sydney: The Federation Press, 2008), 454–67.

To uncover human rights violations, the KKR Aceh is empowered to undertake a range of functions, such as collecting information from government and nongovernment sources, including information from trials and other existing criminal investigations; conducting its own inquiries; and receiving statements and other forms of evidence from victims and others (Articles 8 and 10).¹⁰ To date, the commission has prioritised taking personal statements from victims of human rights abuses and their family members. As detailed in the previous chapter by Nuraini, Yuniar, Fitriani and Imelva, the commission has attempted to build on best practices from previous regional truth commissions. The KKR Aceh's field team have worked with experts to compile, categorise and analyse the growing number of statements.¹¹

The KKR Aceh is also working closely with civil society groups in the province. One of the main civil society groups working with the commission is the Aceh chapter of the national human rights organisation, the Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (KontraS, Commission for the Disappeared and Victims of Violence). Established in 1998, KontraS Aceh has been one of the most active human rights organisations in the province, regularly investigating cases of torture, extrajudicial killings and other human rights abuses, as well as advocating on behalf of victims of violence.¹² KontraS Aceh has been a key partner of the KKR Aceh in its activities to date and was one of the main groups lobbying the Aceh government for the establishment of the commission.

In three main ways, groups such as KontraS Aceh are also providing critical support for the KKR Aceh's investigations into past human rights abuses: through in-kind and financial assistance, particularly in the early phase of operations; through sharing their existing findings into human rights abuses; and by mobilising their networks to help the commission identify and recruit potential witnesses. When the KKR Aceh began its work in late 2016 and early 2017, it had neither the personnel nor sufficient financial support from the provincial government to fulfil its investigation mandate. The commission therefore drew on its civil society partners to

10 The commission does not have subpoena powers, nor any other powers to undertake criminal investigation. See Melvin, Fernida, Wahyuningroem and Pohlman in this volume.

11 See Chapter 5 of this volume, by Atikah Nuraini, Dodi Yuniar, Fitriani and Oni Imelva. On issues related to the compilation and analysis of large numbers of witness statements by truth commissions, see Hayner, *Unspeakable Truths: Transitional Justice*, 210–33.

12 For information on KontraS Aceh's investigation and advocacy work, its campaigns and activities, see their website: kontrasaceh.or.id.

fill this gap. In 2017, the KKR Aceh signed an agreement with KontraS Aceh and another key local human rights organisation, Lembaga Bantuan Hukum Banda Aceh (LBH Banda Aceh), the Banda Aceh branch of the national Legal Aid Institute.¹³ Under this agreement, these human rights groups began recruiting and financially supporting personnel who were to become members of the field teams, training them to undertake the essential statement-taking tasks necessary for the KKR Aceh's investigations.

KontraS Aceh, LBH Banda Aceh and a range of other human rights and victims' advocacy groups have worked with survivors of abuses in the province for decades. Through their investigations into human rights abuses, these organisations have compiled substantial data on cases relevant to the KKR Aceh's mandated investigations. As part of their support for the commission in 2017 and 2018, while the KKR Aceh was beginning their investigative work, these human rights organisations made the decision to share the findings of their investigations into past abuses. KontraS Aceh, for its part, shared 245 of its case files with the KKR Aceh. These case files included reports compiled on suspected human rights violations against individuals and groups of people (such as in cases of incidents where multiple people were attacked), as well as detailed chronologies of such incidents, and information on suspected perpetrators.

One of the most important roles that human rights organisations such as KontraS Aceh are now playing to support the investigative work of the KKR Aceh is to connect the commission with potential witnesses. Throughout 2018, for example, KontraS-Aceh and LBH Banda Aceh worked with the commission's field team in five districts (Aceh Besar, Aceh Utara, Bener Meriah, Pidie and Aceh Selatan) to identify survivors of human rights abuses and record their witness statements.

Lastly, a group of human rights organisations in Aceh has also worked to support the KKR Aceh's investigations into past abuses through individual and joint submissions to the commission. These submissions are intended to strengthen the investigation and truth-finding mandates of the commission by widening the breadth of data on particular forms of abuse. A major joint submission, for example, was made by KontraS Aceh, Asia Justice and Rights (AJAR), Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan (LBH-APIK, Legal Aid Institute of the Indonesian Women's Association for Justice in Aceh), Pusat Kegiatan

13 For information about LBH Banda Aceh, see their website: lbhbandaaceh.org.

Sosial Ekonomi Aceh (PASKA Aceh, Aceh Centre for Social and Economic Activity), and the national office of KontraS in June 2019. This joint submission was specifically on the theme of torture and was based on the findings of these organisations from their collaborative work with survivors between 2013 and 2018 across eight of Aceh's regions. The joint submission provided their findings on torture based on 91 survivors' testimonies and gave detailed information on the places where torture was committed, the perpetrators, the forms of torture used and the impacts of this violence. This joint submission also included a list of recommendations for the KKR Aceh, the Government of Indonesia, and various security and law enforcement agencies.¹⁴

Thus, at each stage of its development, the KKR Aceh's work has been driven by, and often been reliant on, its relationships and collaborations with civil society groups, particularly human rights organisations and victim advocacy networks. To fulfil its investigative and truth-telling mandates, the commission has drawn on these connections to gain access to existing data provided by survivors and witnesses and, critically, to identify and recruit people who can provide the witness statements central to its research. In this sense, the KKR Aceh has grown to become a governmental but grassroots-based organisation that has the capacity to work closely with, and on behalf of, the survivors whose experiences the commission has a mandate to investigate and share.

Survivors' accounts of torture: personal statements

In this section, we discuss a sample of 30 purposively sampled personal statements provided to the KKR Aceh by survivors of torture. These statements were collected by the KKR Aceh's field team in 2017 and 2018 as part of the commission's first efforts to identify and seek testimony from potential witnesses. This first round of testimony-gathering saw more than 2,000 people give personal statements to the field team members. In these statements, people spoke about their personal memories, giving details about the violations they experienced and witnessed, and the effects of this

¹⁴ See Asia Justice and Rights (AJAR), 'Press Release: International Day in Support of Victims of Torture: Revealing the Act of Torture in Aceh,' 27 June 2019, asia-ajar.org/2019/06/27/press-release-international-day-in-support-of-victims-of-torture-revealing-the-act-of-torture-in-aceh/.

violence on themselves and their communities. To date, the majority of those who have given their personal statements have been men; women represent under 15 per cent of the testifiers.¹⁵

Of this sample, 10 personal statements were given by women and 20 by men. These statements were selected purposively by members of the KKR Aceh's data management team to ensure that at least one-third were from female participants and that a wide range of geographic areas were represented. The 30 men and women are from 10 of Aceh's 12 districts, and the torture that they experienced and spoke about with the commission's field team occurred in their home districts.¹⁶ Most live in rural or semirural villages; as in the case of Wani, part of whose statement was cited at the start of this chapter, most of the 30 men and women in the sample are reliant on subsistence forms of income generated by agricultural or small enterprise labour.

The age ranges of the torture survivors at the time they were tortured were similar for female and male victims, namely, from mid-teens to early fifties. Among the 10 women, the youngest was 15 years old when soldiers raided her family home, beat her and threatened to kill her. The oldest woman was 53 when soldiers came looking for her son and attacked her while she was working in the rice fields near her home, a group of them taking it in turns to beat her to try to force her to tell them where he had gone. For the other eight women, one was 17, four were in their twenties, two were in their thirties and one was aged 47.

Of the men, the youngest had been 14 when he was called to the principal's office at his school one day and taken by soldiers to a nearby Koramil (subdistrict military command post). He was beaten repeatedly there before being taken to another post run by the Satuan Gabungan Intelijen (military intelligence unit) and tortured to make him confess to giving aid to GAM. The oldest man in the sample was 55 when he was tortured by soldiers on two occasions. The first was during a search of his home, the soldiers repeatedly punching, kicking and stepping on his chest and breaking his ribs as he lay on the ground in front of his house; the second was seven months later,

15 At the time of writing (early 2020), 2,317 personal statements had been collected by the KKR Aceh. By the conclusion of the KKR Aceh's first term (late 2021), 5,794 statements had been collected. For more information on the gender, regional and other distributions of the statements collected, see Nuraini, Yuniar, Fitriani and Imelva in Chapter 5 of this volume.

16 The number of survivors per each of the 10 districts are: Aceh Besar, 8; Pidie, 7; Bireuen, 3; Tamiang, 3; Aceh Utara, 2; Pidie Jaya, 2; Aceh Selatan, 2; Aceh Barat, 1; Aceh Jaya, 1; Lhokseumawe, 1. Given the very small size of this sample, no attempt was made to seek a representative sample.

when he was detained at a military post for about a month, where he was repeatedly beaten during interrogations, then locked inside a small box for days on end. Of the 20 men in this sample, there is a greater concentration of those aged in their early twenties at the time of their torture. Of the other 18 men in the sample, 8 were in their early twenties, 1 was a teenager, 2 were in their thirties, 1 was in his forties, and the remaining 5 did not disclose their ages, although the descriptions provided in their statements suggest that they were young men at the time.

In the statements given by this sample of 30 individuals – and more generally across the personal statements given to the commission thus far – the majority of testimonies regarding torture (and other abuses) refer to acts committed during the final years of the conflict. As mentioned, the mandate for this first term of the KKR Aceh is to examine abuses committed throughout the length of the conflict between GAM and the Republic of Indonesia, between 1976 and 2005. Within that longer time frame, however, were periods when the conflict was more intense, with military responses and the militarisation of civilians' lives more concentrated. Two periods in particular saw the highest levels of militarisation: the DOM period between 1989 and 1998, and the time between 2001 and the eventual ceasefire and peace agreement in 2005.¹⁷ While the KKR Aceh's field team are working to identify and elicit personal statements from those who can give testimony about abuses committed across the whole period of the conflict since the mid-1970s, those who have testified thus far have mainly given information about abuses committed during the final period of militarisation between 2001 and 2005. This focus on the latter part of the conflict is also true for the cases of torture in this small sample: of the 30 personal statements discussed here, 23 relate to torture perpetrated between 2002 and 2004.

The timing and time frames of incidents of torture also range greatly in survivors' descriptions of their experiences. These time frames are somewhat elastic conceptualisations of occasions when a person experienced torture

17 For an outline of events and phases in the conflict, see Chapter 1 of this volume. See also Human Rights Watch, 'Aceh under Martial Law,' 13–41. Periodisation of the conflict is also given as 1976–79, 1989–98 and 1998–2005; see Yandry Kurniawan, *The Politics of Securitization in Democratic Indonesia* (Cham: Palgrave Macmillan, 2018), 106–08, doi.org/10.1007/978-3-319-62482-2. On the events and negotiations in the latter part of the conflict, see also Kirsten E. Schulze, 'From the Battlefield to the Negotiating Table: GAM and the Indonesian Government 1999–2005,' *Asian Security* 3, no. 2 (2007): 80–98, doi.org/10.1080/14799850701338547. Note that, in the final report of the KKR Aceh (*forthcoming*, 2023), three periods of the conflict are emphasised: the DOM period (1989 to early 1998); the 'Operation Sandi' period (late 1998 to early 2003); and the Military and Civil Emergency periods (May 2003 to the signing of the peace agreement in 2005).

and ill-treatment. For example, in some personal statements, a survivor might give details about singular occasions of torture, whereas in others, survivors may refer to multiple incidents of torture perpetrated over a period of days, weeks or months, but collapse these many incidents into the one description or reference to torture. Descriptions covering longer time frames were understandably more common when the persons giving the descriptions had spent time in detention, whereas the more specific instances of torture described in the personal statements were more likely to have been part of attacks on civilians. Yet in those cases involving longer periods of detention, a survivor may also distinguish specific events or times when s/he was tortured. Critically, some individuals experienced torture during more than one period or time frame. In five of the personal statements from this sample, individuals detailed their experiences of torture in two or more separate time frames.

To give an example of a statement outlining a singular incident or discrete event, one man ('HR') described his experience during a raid on his village in Pidie district in 2004. At around 6 am one morning, a large group of soldiers entered the village and ordered all the villagers to go to the mosque. The Indonesian military's counterinsurgency tactics during this period were essentially a revival of those used during the earlier DOM period. Dawn raids on homes or even whole villages (as was the case for HR's village) were a frequent feature of the surveillance and intimidation tactics meted out against civilians.¹⁸ Once the people in HR's village had gathered in the mosque, one of the soldiers read out two names – HR's and that of another man, 'AA' – and they were taken outside for questioning. Both men were accused of providing shelter and aid to GAM and were beaten by a group of the soldiers to make them confess. As HR recounted:

One of the soldiers straightaway asked me, 'How many GAM are sleeping at your house?' and when I replied, 'None,' they beat me repeatedly on my chest. Then the soldier beat AA who was with me. After the same question I was beaten again on my chest and ... punched in the face. My shirt was also torn, and then I was beaten so my lip split, and blood poured out until I fell. [Then] ... they kicked me with their boots, and so on.¹⁹

18 See, for example, Human Rights Watch, 'Aceh under Martial Law'; Geoffrey Robinson, 'Rawan Is as Rawan Does: The Origins of Disorder in New Order Aceh,' *Indonesia* 66 (1998): 140, 148–50, doi.org/10.2307/3351450.

19 Interview with 'HR', conducted by KKR Aceh field team member, 9 October 2018, Pidie.

HR and AA were beaten in turns by the soldiers while the rest of the villagers were kept in the mosque. Meanwhile, the rest of the soldiers ransacked people's homes. In HR's description, the attack on his village, and the torture that he and AA experienced, lasted for approximately two hours.

By contrast, another man also from Pidie, 'MT', described the time frames of his experiences of torture according to the periods he had spent in different detention facilities. MT and his family members experienced a range of violations between 1990 and 2004, and he spent two periods in military detention facilities during that time: approximately 20 days at the notorious Rumoh Geudong interrogation centre²⁰ in 1991, and a shorter period at an SGI post in 2003. MT was tortured multiple times in each of these facilities over the periods that he spent in them; his descriptions focus on the types of violence meted out against him rather than on distinguishing specific events within those periods. His account of the nearly three weeks in Rumoh Geudong is one of routine and repetition, the torture he endured being perpetrated 'every day from 10 in the morning through to the evening'. While pointing out particular injuries that he suffered at various times, MT's emphasis is placed on the acts of violence recurrently used against him. Every time, MT explained, the interrogators of the Komando Pasukan Khusus (Kopassus, Military Special Forces Command) would order him to 'sit down and take off [his] clothes' before the torture began:

[They would] question me about the whereabouts of GAM/GPK [Gerakan Pengacau Keamanan, Security Disruptors' Movement] members, and I would say that I didn't know. Then I'd [be] hit all over, from left to right, front and back. I'd be hit on the chest, stomach, face, the jaw, ears; there was nothing I could do to escape these beatings. One time, my left ear started bleeding. Then they would again ask the same questions, and [they] started burning me with cigarettes, over almost my whole body ... On my arms, my shoulders, chest, all over my back there were burns; they burned me while asking questions.²¹

Thus, for each survivor, the periods when she or he experienced torture could be measured in hours, days or months, depending on how that individual conceptualised and described them in his or her personal statement.

20 The Rumoh Geudong facility is discussed further in the following section. For a collection of stories by survivors of this facility published in English, see Dyah Rahmany P, *Rumoh Geudong: The Scar of the Acehnese* (Banda Aceh: Cordova, 2004).

21 Interview with 'MT', conducted by KKR Aceh field team member, 12 October 2018, Pidie.

Patterns in the personal statements

Across the 30 personal statements, there are discernible patterns in the types of torture used, the actors involved and the places where the violence was perpetrated. Given that our analysis here is based on only 30 individuals and their experiences, we do not attempt any broader generalisations beyond the patterns observed in this small sample. The patterns that we describe here, however, may have greater resonance across the KKR Aceh's results when the commission produces its report at the end of its first term in office, examining the personal statements of the thousands who have given their testimonies.

The perpetrators

The strongest and most consistent pattern across the personal statements was the identified main perpetrator group. All 30 stated that members of the Indonesian security services (military and police) had been among those who tortured them. Of these, 28 identified military perpetrators. Only one person spoke of torture at the hands of GAM fighters; a young man, 'MI' and a couple of his friends ran into the fighters in the forest in 2003 and were beaten to confess that they were military informants (the local term being *cuak*²²). Sadly, when MI returned to his village and reported the treatment to a local military post, he was also beaten by a soldier stationed there.²³

Before detailing these results further, we note that all 30 people identified those who perpetrated acts of torture and other violence against them. In most cases, survivors named one type of perpetrator (e.g. army *or* police), although seven identified two or more types (such as army *and* police). This is primarily because the field teams who have been collecting the personal statements have been trained to elicit information on perpetrators when interviewing witnesses and, as mentioned above, partly because some people were tortured by multiple actors and/or on multiple occasions.

The level of identification, however, remains mostly at a general level. Survivors in this sample commonly spoke of 'soldiers' (*tentara*) or 'TNI' (Tentara Nasional Indonesia, Indonesian National Military) when

22 *Cuak* is a term used to refer to those deemed to be spies for the military. On *cuak*, their roles in the conflict, and reprisals against them, see Michelle Ann Miller, *Rebellion and Reform in Indonesia: Jakarta's Security and Autonomy Policies in Aceh* (New York: Routledge, 2008), 26–27, doi.org/10.4324/9780203888193.

23 Interview with 'MI', conducted by KKR Aceh field team member, 20 August 2018, Aceh Besar.

identifying those who had harmed or attacked them; 15 of the 30 gave little description of their perpetrators beyond identifying them as soldiers. This does not mean that survivors did not describe those who harmed them and their acts, or their own reactions to this violence, but simply that they did not have, or chose not to voice, further identifying details about the perpetrators. For some survivors, they emphasised the physical descriptions of the soldiers: 'men wearing fatigues', 'a large group of men in uniforms', 'men in black boots', or men 'wearing full gear and carrying long-barrelled guns'.

Given the militarised environment of the conflict, it is perhaps to be expected that 28 of the 30 testifiers identified military perpetrators. The Indonesian Army's elite fighting forces generally come from Kopassus (Komando Pasukan Khusus, Special Forces Command) and Kostrad (Komando Strategis Angkatan Darat, Army Strategic Command), but they were just two among many other units and military groupings deployed in Aceh. In the remaining cases in which military perpetrators were identified, survivors gave further detail about the specific units or divisions, and spoke most often of troops from these forces, particularly Kopassus. Individuals identified some of these perpetrators as Korps Pasukun Khusus (Paskhas, 'Special Forces'), or more often simply as 'Kopassus'. In two cases, survivors from attacks on villages – one in Aceh Utara in 2003, the other in Pidie in 2004 – even identified members of specific Special Forces groups, such as Rajawali Task Force members (Satgas Rajawali), the Kopassus-trained mobile paracommando companies deployed in military campaigns in occupied East Timor, Aceh and Papua from the mid-1990s.²⁴ Troops from the West Java Siliwangi Battalion are mentioned in one statement about a case in Aceh Jaya in 2002. Two other survivors, both from Pidie Jaya, described torture during interrogations in 2002 and identified troops from Kostrad's battalion Yonif Linud 330 (Batalyon Infantri Lintas Udara 330, Airborne Infantry Battalion 330), an airborne paratrooper group used for rapid assaults and deployed in Aceh during the last five years of the conflict.²⁵ Lastly, one woman from Aceh Besar also spoke of torture at the hands of military police personnel.

24 On the Rajawali companies, see, for example, Davies, *Indonesia's War over Aceh*, 76–79. On some of the Rajawali (and other) special forces and their deployments in occupied East Timor, see Samuel Moore, 'The Indonesian Military's Last Years in East Timor: An Analysis of its Secret Documents,' *Indonesia* 72 (2001): 9–44, doi.org/10.2307/3351480.

25 For a somewhat odd, internal reflection on the success of this battalion during operations in 2001–2002 in Aceh, see 'Keberhasilan Operasi Pemulihan Keamanan Yonif Linud 330 Tri Dharma', *Militer.id*, 18 January 2017, militer.id/operasi-pemulihan-keamanan/.

Survivors also spoke of the soldiers who harmed them coming from specific levels of territorial military command posts (discussed further below, regarding the places where torture was carried out). Indonesia's military is organised through an elaborate system of garrisons, stretching geographically across the length of the archipelago, as well as hierarchically, from the national command right down to the village level. Called the territorial command structure, this internally focused security system of garrisons embeds military forces at all levels of bureaucratic organisation, enabling both military influence over, and surveillance of, civilian life.²⁶ The main levels of the command structure each correspond with a civilian bureaucratic level of administration: the Kodam (Komando Daerah Militer, Regional Military Command) and Korem (Komando Resort Militer, Military Area Command) are at the provincial level of the Indonesian Armed Forces or higher; the Kodim (District Military Command) is at the *kabupaten* (district or regency) level; and Koramil (Komando Rayon Militer) is at the *kecamatan* (subdistrict) level. These are backed up by the village-level Bintara Pembina Desa (Babinsa), the lowest-level territorial command of the Indonesian Armed Forces.²⁷

Perpetrators who were members of the police were also identified by seven people in the sample. Three of these seven had experienced torture at the hands of both military and police personnel. Again, for some, these police personnel were identified in terms of the level of command they came from. One person spoke about personnel from the Kepolisian Daerah (Polda, provincial-level police command), two about the Kepolisian Resor (Polres, district level command), and one about the subdistrict level (Polsek) offices.²⁸ Four of the survivors also identified Special Forces from within the police services.

26 On the establishment of the territorial command system, see Ulf Sundhaussen, 'The Military: Structure, Procedures, and Effects on Indonesian Society,' in *Political Power and Communications in Indonesia*, ed. Karl D. Jackson, and Lucian W. Pye (Berkeley: University of California Press, 1978), 45–81, doi.org/10.1525/9780520311039. On how, from the early 2000s, the military was forced to shift to a posture that prioritised external defence and make way for the police to have greater domestic functions, see Emirza Adi Syailendra, 'Inside Papua: The Police Force as Counterinsurgents in Post-Reformasi Indonesia,' *Indonesia* 102 (2016): 66–70, doi.org/10.1353/ind.2016.0019.

27 This structure has gone through a number of reorganisations but was roughly the system in place for the majority of the period of conflict in Aceh. See Robert Lowry, *The Armed Forces of Indonesia* (St Leonards: Allen and Unwin, 1996), 46–84.

28 On the configuration of police command levels post-Reformasi, see Jacqui Baker, 'The Rhizome State: Democratizing Indonesia's Off-Budget Economy,' *Critical Asian Studies* 47, no. 2 (2015): 309–36, doi.org/10.1080/14672715.2015.1041282.

In three accounts describing torture between 2002 and 2003 across three districts, survivors identified members of the police paramilitary Korps Brigade Mobil (Brimob, Mobile Brigade Corps) as perpetrators. Lastly, one woman spoke of both Brimob and members of the Indonesian police counterterrorism Detachment 88 (Densus 88) as having been among those who tortured her in 2003 in Aceh Besar.²⁹

Beyond these descriptions of specific units or brigades from the security services, there are only rare examples in which individual perpetrators are named explicitly in the 30 statements. There may be a variety of reasons for this, the most obvious being that many survivors would not have known the names of those who captured or abused them. In some accounts, the prominence in survivors' stories of the boots, uniforms and weapons worn by those who harmed them betrays how little victims knew of their perpetrators; the clothing and weapons are the ways by which victims identify them, nothing more. Indeed, there were only three statements in which perpetrators were named and, in all three, this was because the survivor already knew that person or those persons, or because the survivor had spent some time in a particular detention centre and, presumably, had become familiar with the men working there. For example, one woman, 'S',³⁰ who spent a few weeks at the Rumoh Geudong interrogation centre in the early 1990s, named a Kopassus commandant, H____, as one of her torturers. In other cases, survivors might have referred to individual men in a larger group of perpetrators but spoke of them mostly by rank; for example, there were references to the 'commander' or man 'in charge' of a specific unit, or to the 'main interrogator' at a particular detention facility. In other personal statements, there were additional descriptors of military perpetrators that identified them as coming from outside Aceh, such as calling particular men 'Javanese' or describing someone who 'could not speak Acehnese'. Such markers are not surprising, given that most of the Indonesian fighting forces came from outside Aceh.

Another reason that most survivors did not explicitly name the people who harmed them or, indeed, offer much information about perpetrators in general, is that many would not have felt safe to do so. As in other contexts

29 Densus 88 was established in 2003, after the 2002 Bali bombings, and has a well-earned reputation for human rights abuses. See Jayson S. Lamchek, *Human Rights-Compliant Counterterrorism: Myth-making and Reality in the Philippines and Indonesia* (Cambridge: Cambridge University Press, 2018), 215–74, doi.org/10.1017/9781108588836. Densus 88 have been deployed in Aceh, but not officially before 2010.

30 Interview with 'S', conducted by KKR Aceh field team member, not dated, 2018, Pidie.

of survivors giving testimony about their experiences of state-led atrocities in Indonesia (and elsewhere), there are critical boundaries that survivors must negotiate between what they choose to reveal, or not, and what they believe they are safe to reveal, or not.³¹ The KKR Aceh is still a new development of the government, and although it may promise truth-telling, and some reparations for survivors and their communities, this does not mean there will be prosecutions against those responsible for the violence or, indeed, protection from future reprisals. Survivors are well aware of how capricious political alliances in the province can be; what might be safe to say today may not be so in a few years. As other contributors to this volume argue, the enduring power of the Indonesian military means there is little likelihood that they will ever be brought to account for their atrocities in Aceh. Thus, talking about perpetrators in Aceh today is very much shaped by the context, which may permit some areas of truth-telling but proscribe others.

How survivors negotiate these boundaries depends very much on the linguistic and pragmatic strategies they use when speaking. For those giving personal statements, these included avoidance strategies, particularly when a topic culturally marked as prohibitive arose. Naming perpetrators was one such topic, but avoidance strategies were also seen when the topic of sexual violence, and other forms of violence associated with shame, were encountered.³² Another discursive strategy is the use of euphemisms, or vague and ambiguous terms, to describe actions or persons. Euphemistic language was particularly common in the 30 testimonies examined here: for example, when describing nudity during interrogations (discussed further, below). In this sample, some of the men and women reported being stripped totally or partially naked during interrogations at detention centres. Rather than using direct, descriptive verbs for particular actions, they chose more ambiguous verbs; it was more common in these testimonies for clothes to be '*dibuka*' (opened) or '*diambil*' (taken) rather than a person being '*ditelanjangi*' (stripped naked), a word used only once in the whole sample.

31 On women survivors' narrative choices when retelling their experiences from the 1965–66 mass killings, see, for example, Annie Pohlman, 'Testimonio and Telling Women's Narratives of Genocide, Torture and Political Imprisonment in Post-Suharto Indonesia,' *Life Writing* 5, no. 1 (2008): 47–60, doi.org/10.1080/14484520801902332. On a similar situation in Timor Leste, where survivors had to choose safe discursive strategies to describe perpetrators, see Lia Kent, 'Narratives of Suffering and Endurance: Coercive Sexual Relationships, Truth Commissions and Possibilities for Gender Justice in Timor-Leste,' *The International Journal of Transitional Justice* 8, no. 2 (2014): 289–313, doi.org/10.1093/ijtj/iju008.

32 For one study on linguistic strategies used by women in Java to negotiate difficult topics, see Laine Berman, *Speaking through the Silence: Narratives, Social Conventions, and Power in Java* (New York: Oxford University Press, 1998).

Further, passive phrasing, common in both Indonesian and Acehnese, tactfully allows the speaker to omit the subject of a sentence. Thus, rather than a direct, active construction that assigns responsibility for actions, such as 'He beat me' or 'X kicked my head,' it was more common to see phrasing which allowed for a more ambiguous reading, such as 'I was beaten', or 'My head was kicked.' The kinds of linguistic and pragmatic strategies seen in this sample – euphemism and ambiguous descriptions – feature in many contexts because they are 'the means by which a disagreeable, offensive or fear-instilling matter is designated with an indirect or softer term'.³³

The last point to note is that only adult men were identified as perpetrators of torture (and other forms of violence) in this sample of 30 personal statements. As all perpetrators of torture discussed in this sample were combatants – in the sense that all were either state security apparatus personnel or GAM fighters – the prevalence of men performing these acts of violence may be anticipated but not taken as a given. That the perpetrators were exclusively adult men in our small sample can be partly explained by women's lower levels of access to, or socialisation into, roles that involve direct perpetration of violence.³⁴ The results from this preliminary sample, however, must be compared with the KKR Aceh's findings from its much larger dataset, incorporating the thousands of testimonies currently being gathered. It is indeed likely that this larger dataset will identify some female perpetrators, including women members of the military or police, or women members of GAM, such as members of the female GAM combatant units, the Inong Balë.³⁵ Further, this sample of 30 statements identified no civilian perpetrators of torture; the KKR Aceh's larger dataset may uncover cases of civilian perpetrators.

33 Charles Kany, *American-Spanish Euphemisms* (Berkeley: University of California Press, 1960), v. See also Shonna L. Trinch, 'Managing Euphemism and Transcending Taboos: Negotiating the Meaning of Sexual Assault in Latinas' Narratives of Domestic Violence,' *Text & Talk* 21, no. 4 (2001): 567–610, doi.org/10.1515/text.2001.012.

34 There is little research on women's participation in extreme forms of violence, such as torture or genocidal violence. For some studies on women in the 1994 Rwandan genocide context, see Alette Smeulers, 'Female Perpetrators: Ordinary or Extra-ordinary Women?,' *International Criminal Law Review* 15, no. 2 (2015): 207–53, doi.org/10.1163/15718123-01502001; Erin Jessee, 'Rwandan Women No More: Female Genocidaires in the Aftermath of the 1994 Rwandan Genocide,' *Conflict and Society* 1 (2015): 60–81, doi.org/10.3167/arcs.2015.010106.

35 On the history of women combatants in Aceh, see Elsa Clavé-Çelik, 'Silenced Fighters: An Insight into Women Combatants' History in Aceh,' *Archipel* 87, no. 1 (2014): 273–306, doi.org/10.3406/arch.2014.4465.

The places of torture

In this section, we outline the places where torture was perpetrated, as reported in the 30 personal statements. As explained, while many of the 30 were detained in multiple places, we are only discussing those places where they experienced torture. These places included the victims' own homes, their village streets, prisons, detention facilities, military posts, intelligence headquarters, and shops and houses commandeered as interrogation facilities – even roadsides. These narratives show the multiple pathways in and out of places of detention and torture, as well as how torture could be perpetrated in just about any space; torture was commonly carried out in interrogation rooms controlled by security service personnel but was by no means confined to such places.

For the sake of clarity, we distinguish here between three categories of location (as reflected in Table 6.1): victims' homes (or nearby), detention facilities and all other locations. In the detention facilities, we include both formal and informal places of detention, because both were used by security services for torture. Formal facilities included prisons, police stations (Polda, Polres, Polsek), military command posts (Kodam, Kodim, Koramil), and the military intelligence unit (Satuan Gabungan Intelijen) offices. Informal facilities covered a multitude of buildings and sites controlled by various units of the security services. In our sample, this encompassed a building near a primary school in Pidie, a shop in Aceh Besar and the infamous traditional Acehese house, Rumoh Geudong, also in Pidie, which was used mainly by Kopassus troops as a major torture centre in that region throughout the DOM period (1989–98).³⁶ Both formal and informal interrogation centres have a long history of use by the Indonesian security services, and have been a key element in the perpetration of mass torture and other human rights abuses against civilian populations during the conflict in Aceh, and in other regions of Indonesia.³⁷ Lastly, it is important to note that the periods of detention experienced by the 30 people in this sample were unlawful and

36 The Rumoh Geudong case was the subject of a Komnas HAM investigation, submitted to the attorney-general in September 2018. See Gemma Holliani Cahya, 'Crimes against Humanity in Rumoh Geudong Case: Komnas HAM,' *The Jakarta Post*, 7 September 2018, thejakartapost.com/news/2018/09/07/crimes-against-humanity-rumoh-geudong-case-komnas-ham.html.

37 For a history of detention camps in Aceh, and in other parts of Indonesia, see Jess Melvin, 'Detention Camps and the Order to Annihilate during the 1965–1966 Indonesian Genocide,' and Annie Pohlman, 'Torture Camps in Indonesia, 1965–70,' both in *Detention Camps in Asia*, ed. Christina Twomey, Sandra Wilson and Robert Cribb (Leiden: Brill, 2022), 119–36 (Melvin) and 137–55 (Pohlman).

without due process; based on their testimonies, it appears that none of the perpetrators had a warrant for the victim's arrest, and no-one's detention had any process of judicial review.

Table 6.1. Locations of torture, by gender

Gender	Home	Detention facility (DF)	Home + DF	Other DF	Other + home	Other
Women	6	2	2	0	0	0
Men	3	9	4	2	1	1

As seen in Table 6.1, most survivors described their torture as occurring either in, or close to, their own homes, or in a detention facility controlled by the security services. There were only four cases in which torture was perpetrated in other locations: one young man (MI) with his friends, caught by GAM fighters and taken to their headquarters in the mountains in Aceh Besar in 2003; another young man ('A') beaten along with his fellow workers at a factory being searched by soldiers in 2002 in Tamiang;³⁸ MS, whose vehicle was pulled over at a road block in Lhokseumawe in 1999, where he was beaten and whipped with electrical cable by a group of soldiers;³⁹ and a young man (AA) who was severely beaten and questioned by soldiers at a random roadside checkpoint in Pidie in 1998.⁴⁰ MI was also beaten at a Koramil shortly after, while AA was beaten and kicked in the head until he became deaf in one ear during an attack on his village in 2004, six years after being tortured at the checkpoint. Checkpoints established as roadblocks, such as the one that AA was stopped at, were a key part of the Indonesian military's surveillance strategies during the conflict.⁴¹

For more than half of the people in this survey (18 of 30), individuals were tortured in more than one location, many describing being taken from one place to another (and sometimes to two or three additional places) within a relatively short time frame. For example, one woman, 'WB', was first beaten with rifle butts, then kicked and burned with cigarettes in her home by a small group of soldiers, before being taken by those soldiers to the local Koramil (subdistrict) military post, where she spent two weeks. Although WB was deprived of adequate food and experienced other forms of ill-

38 Interview with 'A', conducted by a KKR Aceh field team member, 24 October 2018, Tamiang.

39 Interview with 'MS', conducted by KKR Aceh field team members, not dated 2018, Lhokseumawe.

40 Interview with 'AA', conducted by KKR Aceh field team member, 10 October 2018, Pidie.

41 See Smith, 'A Stranger in One's Own Home,' 54.

treatment, she was not tortured at the Koramil.⁴² After this, however, she was taken to another military post, where she was sexually harassed and abused by some of the men stationed there, before finally being released a few days later.⁴³

Sixteen people (8 women, 8 men) described their torture taking place in, or very close to, their homes. Fourteen of these cases (8 women, 6 men) were inside their homes or in their yards. Two, both of them men, were close to their home (within a few hundred metres); one, HR, whose experience was described in the previous section, was outside the village mosque, and the other, 'NA', was in his village in Aceh Barat, where he was lined up with other men, then beaten and questioned in turn by a group of about 30 soldiers⁴⁴. For 9 of these 16 (6 women, 3 men), this violence was an individual incident; most such incidents occurred during attacks on, and searches of, their homes by the security services. For the remaining 7 (2 women, 5 men) the torture they experienced in their homes was followed by further torture at one or more other locations, a pattern reflected in WB's experience (above). As per Table 6.1, however, home-based torture showed a trend by gender: 8 of 10 women (80 per cent) and 8 of 20 men (40 per cent) were tortured in their homes. There was, moreover, a disproportionate number of women (6 of the 8) tortured exclusively in their homes.

Given the size of our sample, this trend by gender should be interpreted with caution and compared later with the findings of the KKR Aceh's final report. For 8 of the 10 women in our sample, however, there is a pattern in the violence they experienced: when soldiers raided or searched their homes, they tortured the inhabitants. This pattern is also true for the 8 (of 20) men tortured in their homes. The reported reasons for both the raids and the torture, according to the survivors' personal statements, were that the military and/or police were looking for GAM members, for weapons or other supplies for GAM, or for those who were giving aid to GAM. Survivors described many of these incidents as having been part of dawn attacks by the security services; it is not surprising, therefore, that these civilians were in their homes at the time and were caught up in the violence. Dawn raids were a part of the 'sweeping' activities routinely undertaken by the Indonesian security services. As Catherine Smith explains, sweeping operations were 'often accompanied by other forms of intimidation,

42 In the discussion below, we explain how we distinguish torture from ill-treatment.

43 Interview with 'WB', conducted by KKR Aceh field team member, 19 September 2018, Aceh Besar.

44 Interview with 'AN', conducted by KKR Aceh field team member, 11 November 2018, Aceh Barat.

as people were frequently interrogated, harassed, threatened with violence and sometimes beaten'. Furthermore, civilians caught up in these operations were 'routinely questioned about their movements, interrogated about their knowledge of rebel activity, [and] pressured to inform on their neighbours'.⁴⁵

It was less common in our sample for women to be taken away from their homes to a detention facility. The converse was also true: it was more common for men to be taken to detention facilities, where they were tortured. Four of the 10 women in our sample were tortured at detention centres (2 of whom had first experienced torture in their own homes), as compared with 15 of the 20 men (4 of whom also were tortured in their homes).

This sample is too small to draw any broader conclusions about the relationship between gender, rate of detention and the rate of torture used either in detention or other settings. Although the pattern of in-home torture differed by gender from that perpetrated in facilities controlled by the security services in our sample, this may not be true of the larger KKR Aceh dataset. Our sample is too small, and the range of participants not sufficiently varied, to be able to say more at this stage. This trend by gender, however, is suggestive and, if confirmed with a larger dataset, deserves further research.

Regarding the torture that occurred in detention facilities reported in this sample, however, we do venture some general observations. Of the 30 survivors in this sample, 20 experienced torture in one or more of these facilities. Of these 20, 15 reported torture taking place in at least one military-controlled facility, 4 at police-controlled facilities and 1 at both. There is a wide range of detention facilities described in the survivors' testimonies, with a general spread of both formal (30) and informal (6) facilities named across the 10 regions of Aceh. The formal detention facilities were military command posts (Koramil and Kodim), military police posts, intelligence unit headquarters, police stations/posts (Polda, Polres and Polsek), and a prison in Aceh Jaya. The informal locations, as mentioned above, included buildings that had been taken over by security service personnel and repurposed as interrogation centres, such as the Rumoh Geudong house in Pidie. Lastly, there was also the GAM command post (*markas*) in Aceh Besar where MI and his friends were held and tortured over a few days in 2003.

45 Smith, 'A Stranger in One's Own Home,' 54.

Types of torture

The 30 survivors in our sample gave testimony about the many forms of harm they experienced. Here we consider their accounts of the torture they survived, although we also wish to emphasise that many of the 30 also suffered other forms of human rights abuses, particularly, unlawful detention and numerous forms of ill-treatment. Our emphasis is on torture, however, which we understand to be the deliberate infliction of severe pain or suffering, not only as part of interrogation, but also as a way to punish, coerce or intimidate. Many of the arbitrary punishments, deliberate starvation, and other forms of deprivation and violence described in the testimonies amount to prohibited ill-treatment, but they are beyond the scope of this chapter.⁴⁶

Further, we do not provide detailed descriptions of torture in this section, as told by the 30 people whose testimonies form the core of this chapter. These men and women recounted their personal experiences of violence, but we quote only a few small sections from their accounts. We value their words and courage in providing these testimonies, but the scope of this chapter cannot give adequate space to reproduce these words in a way that would do them justice.

All 30 women and men in this sample experienced torture perpetrated by security service personnel; as discussed above, one person was tortured by both GAM fighters and soldiers at a local military post. We exclude this single case from our analysis of the types of torture; torture by GAM combatants will need to be examined in further depth by the KKR Aceh in its final report, based on its larger dataset. As such, our focus is on the deliberate infliction of severe physical and mental pain or suffering on the 30 women and men while they were in the custody, or under the control, of a state official.⁴⁷

46 On contemporary differentiations between what is considered torture and ill-treatment, see Manfred Nowak and Elizabeth McArthur, *The United Nations Convention against Torture: A Commentary* (Oxford: Oxford University Press, 2008), 77–79, doi.org/10.1093/law/9780199280001.001.0001. Note that torture is not criminalised under Indonesian law as a separate offence, and, indeed, there has been continuing recalcitrance in this regard. See Annie Pohlman, 'An Ongoing Legacy of Atrocity: Torture and the Indonesian State,' in *Genocide and Mass Atrocities in Asia: Legacies and Prevention*, ed. Deborah Mayersen, and Annie Pohlman (New York: Routledge, 2013), 41–44, doi.org/10.4324/9780203380857.

47 As per the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), there is emphasis placed on the act being perpetrated 'by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity' (Art. 1). On this requirement, see Nowak and McArthur, *United Nations Convention against Torture*, 28.

All participants gave testimony that the torture they experienced at the hands of security service personnel involved at least some form of interrogation, including questions about their own or another person's involvement in GAM, their support or aid for GAM, and GAM members or movements. During these interrogations they were also frequently accused of being members or supporters of GAM. As such, in all cases discussed here, the acts of violence were at least partly perpetrated in the context of interrogation. As explained above, more than half of these interrogations occurred in detention facilities, though others occurred in victims' homes, in their villages and at roadside checkpoints, among other locations. Regardless of the precise locations of these interrogations, however, these acts of torture were all perpetrated in conditions of extreme coercion, whereby victims were deprived of their liberty and were under the control of state agents. In Table 6.2 we summarise the types of torture reported by the 30 women and men in our sample.

Table 6.2. Types of torture, by gender

Gender	Beaten	Kicked	Burned	Death threat	Forced nudity	Sexual assault	Stabbed	Electric shock	Other
Female	10	3	1	3	3	3	1	1	3
Male	20	6	5	2	2	0	0	0	4

Every person reported beatings as part of his or her torture. These beatings were inflicted by the perpetrators by many means: with fists, by hitting the victim against a wall repeatedly and with numerous objects. The latter included a range of blunt objects, such as rifle butts, soldiers' helmets, batons, sticks and tree branches, bamboo poles, hoses and lengths of wood. One young man, 'SA', who was detained by Kopassus troops in 1992 at a shop being used as an interrogation centre, was taken to a room where 'there were things hanging on the wall to beat people with. A sickle, pieces of wood and so on.' His torturers told SA to choose which 'instrument' they would beat him with. 'There were sickles and machetes there, too', said SA. 'If I'd been hit with one of them, that would have been the end of me.' SA choose a length of wood and was beaten bloody on his back and chest.⁴⁸

It was relatively common for perpetrators to use their legs and feet to torture their victims, such as by kicking them, stomping and walking on them, and in other ways. Torture involving burns and explicit death threats was also

⁴⁸ Interview with 'SA', conducted by KKR Aceh field team member, 22 December 2018, Tamiang.

relatively common.⁴⁹ Both men and women experienced kicking and death threats, while male victims more frequently suffered torture involving burns. One woman and five of the men experienced burns from lit cigarettes being pressed against different parts of their bodies, such as their arms, the back of the head, and on the back and chest. One man said that his torturers 'put out cigarettes' all over his body. One young man, 'RS', was only a teenager when he was held at the district police station (Polres) in Aceh Selatan and repeatedly burned with open flames, usually from a cigarette lighter.⁵⁰

Wani, the woman whose testimony opened this chapter, was the only person in this sample to report torture involving penetrating wounds and electric shocks. While being held at the regional police station (Polda) in 2002, she attempted to fend off one of her perpetrators who was holding what she described as a 'kind of pole with a knife in the end of it', and he stuck it through her hand, causing permanent injury (deformation of the tendons, impaired fine motor function).⁵¹ A few months later, after being detained again in 2003, she was taken to a military police post, where her toes were attached to a generator with cables and she received multiple electric shocks.

Wani was also one of the three women who experienced forced nudity and sexual assaults as part of their torture. Two men also were stripped naked during their interrogations. All five described being forced to take off their clothes, or having their clothes forcibly removed by their interrogators, prior to being tortured and questioned. One other woman and another three men also spoke of forced nudity during interrogations but in reference to other victims, not themselves. This prevalence is not surprising, given that forced nudity is a common feature of the interrogation and torture methods used by the Indonesian security services, and has been documented in other cases of mass torture at different times, particularly during the New Order.⁵²

49 Note that this refers to direct and imminent threats to the victim's life as a deliberate act intended to cause severe psychological and emotion harm. Others in the sample also spoke of threats to life, but the three women and two men recorded here gave testimonies about these more direct threats to their lives.

50 Interview with 'RS', conducted by KKR Aceh field team member, 27 September 2018, Aceh Selatan.

51 In the case file for 'Wani' there is a photo of her hand, showing the injuries she described.

52 See, for example, on 1965–66, Galuh Wandita, Indria Fernida, and Karen Campbell-Nelson, 'Mass Torture in 1965–1966: A Continuing Legacy,' in *The International People's Tribunal for 1965 and the Indonesian Genocide*, ed. Saskia Wieringa, Jess Melvin, and Annie Pohlman, Routledge Contemporary Southeast Asia Series (London: Routledge, 2019), 96–114, doi.org/10.4324/9780429427763; Annie Pohlman, 'Sexual Violence as Torture: Crimes against Humanity during the 1965–66 Killings in Indonesia,' *Journal of Genocide Research* 19, no. 4 (2017): 574–93, doi.org/10.1080/14623528.2017.1393949. On torture in occupied East Timor, see Hannah Loney and Annie Pohlman, 'The Sexual and Visual Dynamics of Torture: Analysing Atrocity Photographs from Indonesian-Occupied East Timor,' in *Gender, Violence and Power in Indonesia: Across Time and Space*, ed. Katharine McGregor, Ana Dragojlovic, and Hannah Loney (London: Routledge, 2020), 84–100, doi.org/10.4324/9781003022992.

Forced nakedness appears in the cases in this sample as a deliberate tool of humiliation, particularly through manipulating gendered norms of shaming and intimidation. These cases of forced nakedness – and, indeed, the sexual assaults – were also attacks on the personal and sexual autonomy, and the integrity, of victims and were intended to cause severe harm, both physical and mental.

The sexual assaults in this sample were only reported by women, and each of these cases occurred in detention settings and as part of interrogations. Wani was one of these women. During one of her interrogations in 2002, she was stripped and sexually assaulted. During this assault, she further explained that her torturers ‘searched her body’ for what she described as a ‘GAM tattoo’. In our small sample, Wani was the only person to report this form of assault, although the larger KKR Aceh database should be investigated for any further reports. Again, the strip-searching of detainees for signs of enemy ‘tattoos’ or ‘marks’ (allegedly branded on the pubic area of women detainees) has a history in the Indonesian security services’ torture techniques; there are, for example, very similar stories told by women held in detention during the anti-communist purges of 1965–66.⁵³

Lastly, individuals reported a range of torture techniques that we have classified here as ‘other’. These techniques involved the manipulation of the detainee’s own body to cause extreme pain. One woman, ‘S’, was tied by the neck to a table so that she was forced to ‘half-lie’ in an awkward position for more than a day,⁵⁴ one man was locked in a small wooden crate.⁵⁵ At the interrogation centre, S was suspended by her wrists from the ceiling, and was tortured for hours and beaten. Such techniques are often described as ‘stress positions’ so that ‘the person in great pain experiences his own body as the agent of his agony’.⁵⁶ Other techniques involved either being forced to stand in, or being half-drowned in, dirty water; three men from our sample described this type of torture. Each of these techniques shows that while there were much more common forms of torture used, perpetrators were also sometimes inventive and varied in their ways of intimidating and harming their victims.

53 See Annie Pohlman, *Women, Sexual Violence and the Indonesian Killings of 1965–1966* (London: Routledge, 2014), 141–50, doi.org/10.4324/9781315818795.

54 Interview with ‘S’, conducted by KKR Aceh field team member not dated 2018, Pidie.

55 Interview with ‘AU’, conducted by KKR Aceh field team member, 28 September 2018, Pidie.

56 Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (London: Oxford University Press, 1988), 47–48.

The forms of torture described by the 30 women and men in our sample show how this violence was an integral part of the attacks on, and detention of, civilians accused of being GAM supporters during the conflict. Particularly for those cases of torture perpetrated in the network of detention facilities across the province, both formal and informal, it is clear that the excessive and somewhat arbitrary nature of this violence was an essential part of the system of control in these facilities, creating terrified and more docile detainees.⁵⁷ Further, the numerous and varied forms of the torture meted out to civilians tells us that these torturers were both creative and systematic in their efforts to terrify, harm, control and punish their victims. As Veena Das and Ashis Nandi emphasise, it is not simply the violence itself that causes harm; the form that violence takes also matters.⁵⁸ The types of torture described by the women and men from our sample were clearly intended not only to harm, but also to degrade, humiliate and assault the victims in their bodily integrity and their human dignity.

Conclusion: providing evidence of the systematic use of torture in Aceh

In our small sample of women and men whose personal statements form the basis of our preliminary analysis, there were patterns that emerged in the types of torture, the places where it was perpetrated and by whom. We have outlined, through a simple thematic analysis, some of these patterns and highlighted topics for which a comparison of the findings from our sample with information from the KKR Aceh's larger dataset is warranted when the commission publishes its final report at the end of its first term. This final report will be a synthesis of findings from not only the KKR Aceh's dataset, but also the materials provided by KontraS, LBH-APIK Aceh and numerous other human rights NGOs (non-government organisations) on abuses committed during the conflict. The instances of torture described by the 30 women and men in this chapter are just some of the many thousands of similar cases perpetrated in Aceh during the conflict. As such, they provide some insights into the systematic use of torture by the security services.

57 See Begoña Aretxaga, 'The Sexual Games of the Body Politic: Fantasy and State Violence in Northern Ireland,' *Culture, Medicine and Psychiatry* 25, no. 1 (2001): 1–27, doi.org/10.1023/A:1005630716511.

58 Veena Das and Ashis Nandi, 'Violence, Victimhood and the Language of Silence,' *Contributions to Indian Sociology* 19, no. 1 (1985): 177–95, doi.org/10.1177/006996685019001011.

We argue that the cases of torture revealed by the 30 survivors in this sample echo many of the existing reports and materials on torture and other human rights abuses in Aceh during the conflict. For example, the perpetrators identified by this group of survivors, although rarely named as individuals, match closely those identified in existing materials about torture in the province. Reports by human rights groups collecting information during the conflict contain similar findings on attacks conducted by specific security service units. The groups that collected such information included international human rights organisations, such as Amnesty International, Human Rights Watch and TAPOL (a UK-based NGO focusing on human rights in Indonesia), and local groups such as the Koalisi NGO HAM Aceh (Coalition of NGOs for Human Rights in Aceh) and Sentral Informasi Referendum Aceh (Aceh Referendum Information Centre), an umbrella organisation for a group of student, Islamic and other human rights organisations, partly funded by GAM and operating from the late 1990s.⁵⁹

The perpetrator groups named by survivors from the sample even match some rare reports of court cases on torture carried out by Armed Forces personnel. Given the very low rate of prosecutions sought against security service personnel for crimes involving abuses against civilians in the final years of the conflict,⁶⁰ it is surprising that in 2003, a small number of military court sessions were held to try soldiers.⁶¹ In a number of these cases, those indicted included individuals from some of the brigades and units identified in our sample, such as members of the Siliwangi Battalion, who were charged and acquitted at a military court in September 2003 for beating civilians during two incidents in North Aceh in August of that year.⁶² Thus, while our analysis here has been based on only 30 testimonies, our findings show some patterns that confirm the findings of other sources on violations committed during the conflict, which need to be compared with the findings from the KKR Aceh's larger dataset.

59 For some of the work of the local Aceh groups and their reporting, see Miller, *Rebellion and Reform*, 32–35. Reports by these local groups include, for example, Koalisi NGO HAM Aceh, *Daftar Nama-nama Korban Penembakan Misterius (Petrus), 19 October 1998–2 June 1999* (Banda Aceh: Koalisi NGO HAM Aceh, 4 April 1999); SIRA [Sentral Informasi Referendum Aceh], *Supplementary Report on the Julok Massacre* (unpublished, 31 August 2001).

60 For one discussion of how the Indonesian military's lack of accountability for its human rights abuses in the province compounded the support for secessionism in Aceh, see Rizal Sukma, 'Security Operations in Aceh: Goals, Consequences, and Lessons,' *Policy Studies* 3, East-West Center, Washington, DC, 2004, 2–11, eastwestcenter.org/publications/security-operations-aceh-goals-consequences-and-lessons.

61 On these three cases charged in 2003, see Human Rights Watch, 'Aceh under Martial Law,' 44–45.

62 See Tiarna Siboro, '12 Soldiers to Stand Trial for Torturing Civilians in Aceh,' *The Jakarta Post*, 20 September 2003, cited in Human Rights Watch, 'Aceh under Martial Law,' 44.

The KKR Aceh has a firm mandate to investigate the serious violations committed during the conflict. The commission has chosen torture as one of its main themes and is working to collect as much evidence as it can to form a full picture of the nature and scope of this violence. The commission has sought, and will continue to seek, witness statements from thousands across the province to build this picture. Although only a small part of the larger body of evidence being amassed by the commission, these 30 statements help to show how torture was used systematically by the Indonesian security services during the conflict.

7

The KKR Aceh's documentation of OTK attacks in Bener Meriah, 1999–2002

Jess Melvin and Azhari Aiyub

During its first term, the Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh, Aceh Truth and Reconciliation Commission) has documented attacks by *orang tak dikenal* (OTK, 'unknown people') as part of its investigations into human rights abuses during the time of the Aceh conflict (1976–2005). At the time of writing, the authors had access to only 42 eyewitness testimonies, collected by the KKR Aceh between 2016 and 2019.¹ These 42 eyewitness testimonies were chosen due to their location, Bener Meriah – a district in the Acehnese highlands² – which, as will be discussed below, is understood to have been a hotspot for OTK attacks during the time of the Aceh conflict.³ These testimonies were not chosen based on the period in which they occurred, and yet, the majority of the cases relate to events that

1 These testimonies were made available to the authors of this chapter in April 2019. The authors began work on the KKR Aceh's final report in late 2021, when the KKR Aceh's full dataset was first collated and analysed. Jess Melvin is a co-author of the 'Enforced Disappearances' and 'Torture' chapters in the KKR's final report, while A. Aiyub is the lead editor of the KKR-Aceh's final report. At the time of publication, the KKR Aceh's final report remains under embargo.

2 Bener Meriah did not become an independent district until 2003. Prior to this time, Bener Meriah had been part of Central Aceh district. For simplicity, this chapter will follow the KKR Aceh's convention of identifying Bener Meriah as a distinct geographical area prior to 2003.

3 This finding is consistent with data contained in the KKR Aceh's complete dataset, which confirms that the region of Bener Meriah is associated with the largest number of recorded cases of 'enforced disappearances' during the time of the Aceh conflict.

occurred between 1999 and 2002 (33 cases), a time when, as will also be discussed below, the rate of OTK attacks is believed to have been at its peak in the province.⁴

At the time of writing, these 42 eyewitness testimonies constituted the KKR Aceh's total collection of available eyewitness testimonies reporting OTK attacks during the time of the Aceh conflict.⁵ The KKR Aceh's final report for the 2016–21 term, which contains an analysis of OTK attacks through the rubric of 'enforced disappearances', had yet to be written. The hundreds of cases of enforced disappearances collected throughout Aceh that form the basis of the final report's analysis had yet to be collated and analysed.⁶ This chapter thus provides a snapshot of the highly challenging situation faced by the authors, and the KKR Aceh, when attempting to analyse patterns of violence in the KKR Aceh's collected eyewitness testimonies prior to the basic statistical analysis of the KKR Aceh's dataset in late 2021.⁷

In the case of OTK attacks, these challenges have been amplified by the very nature of the type of violence studied. OTK attacks were intended, by design, to disguise the identity of the perpetrators responsible. It was the anonymity of these attacks that was the major source of the 'intimidation (and fear)' that they caused.⁸ Indeed, this 'anonymity' is often maintained even when the survivors of OTK attacks are able to identify the general identity of their attackers (as either pro-government or pro-GAM) by contextual information provided during the attack. As this chapter will show, this contextual information can often be drawn from the ethnic identity of the attackers

4 Seven of these testimonies contain no information about the date on which the reported events occurred. Meanwhile, this finding is consistent with data contained in the KKR Aceh's final dataset, which reports an increase in 'enforced disappearances' between 1999 and 2002, in contrast to fewer cases recorded between 1989 and 1998 and between 2003 and 2005. This periodisation of the Aceh conflict coincides with the KKR Aceh's division of the Aceh conflict into three main periods: Aceh's official designation as a Daerah Operasi Militer (DOM, Military Operations Zone) between 1989 and 1998; the military's implementation of 'Operasi Sandi' between 2001 and 2003; and the reinstatement of Martial Law in the province, and a period of Civilian Emergency (DM/DS, Darurat Militer/Darurat Sipil) between 2003 and 2005. See Chapter 1 of this volume for an overview of the Aceh conflict.

5 Email communication with Oni Imelva, KKR Aceh Fact Finding Team, 19 October 2020. Further information about these testimonies was not available to the authors until the end of 2021.

6 At the time of writing, the KKR Aceh has collected a total of 5,785 statements across 13 districts. See Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh), 'Laporan Akuntabilitas Kerja Komisi Kebenaran dan Rekonsiliasi (KKR) Aceh Tahun 2020,' *KKR Aceh*, Banda Aceh, 2020, 3, kkar.acehprov.go.id/media/2021.04/LAPORAN_AKUNTABILITAS_KKR_ACEH_2020.pdf.

7 This basic statistical analysis was conducted during the initial drafting of the KKR Aceh's final report chapters on 'Enforced Disappearances' and 'Torture'. The KKR Aceh's current dataset is still divided on the basis of types of violence. In the future, these datasets will need to be combined.

8 Komisi untuk Orang Hilang dan Korban Kekerasan [Commission for the Disappeared and Victims of Violence] (KontraS), *Aceh Damai Dengan Keadilan? Mengungkap Kekerasan Masa Lalu*, Jakarta, February 2006, 50, kontras.org/wp-content/uploads/2019/07/aceh-damai-dengan-keadilan.pdf.

(Javanese or Acehnese) and the languages, clothing and weaponry they used. Yet, survivors of these attacks often continue to self-censor information about their attackers out of fear of continued victimisation.⁹

This chapter presents an initial assessment of the KKR Aceh's documentation of OTK attacks during the Aceh conflict, using Bener Meriah as a case study. In drawing on the KKR Aceh's original dataset of 42 previously unpublished eyewitness testimonies, it explores what it was possible to know about the identity of those responsible for OTK attacks, and their objectives during the Aceh conflict, at the time this chapter was written. The chapter is divided into four parts.

The chapter begins with a paradigmatic example of one of the testimonies told to the commission about a series of OTK attacks that occurred in Bener Meriah in late 2001. This will familiarise the reader with the types of information contained in the KKR Aceh's original dataset. The chapter then examines the dynamics of intergroup conflict in Bener Meriah during the time of the Aceh conflict, before presenting a review of the available literature that exists to explain the emergence of the routine use of OTK attacks by both sides of the conflict during the early 2000s.

The chapter concludes with a detailed analysis of six key eyewitness testimonies that can be found in the dataset, to highlight the strengths and limitations of the KKR Aceh's initial documentation of OTK attacks. By concluding this way, the chapter asks: What patterns can be seen in these testimonies? Is it possible to identify those responsible for specific OTK attacks? What are the ongoing challenges faced by the KKR Aceh when attempting to establish agency behind OTK attacks?

Introducing the KKR Aceh's OTK testimonies

The following account provides an example of two OTK attacks experienced by a single family in two villages in Bener Meriah. It was told to the KKR Aceh by a brave young woman named Eka (a pseudonym). These attacks, Eka tells us, were perpetrated by OTK in late 2001.¹⁰ 'It began', Eka explained, when she was 12 years old:

9 This fear is justified. As has been outlined in Chapter 2 of this volume, both former GAM fighters and Indonesian security force personnel continue to enjoy complete impunity for their actions during the conflict.

10 Eka recalls her father and brother were taken by 'unknown people' from the house where they were staying in Village B, Bandar, on the night of 22 September 2001. 'Testimony 17', Bener Meriah; KKR Aceh testimony collection, as per the April 2019 original dataset.

I came home from school one day and saw that all the houses in my village, Village A, were empty. The villagers had all fled to the village prayer hall ... The next day we all fled to the ... mosque in [the neighbouring village], Village B ... We only had the clothes on our backs because our houses [had been] burned down by unknown people [*orang tak dikenal*, OTK].

A month and a half after we fled, more unknown people [OTK] came to the house [where we were staying in Village B]. The unknown people were wearing masks ... There were approximately ten [of them] ... They were all wearing black. The unknown people [told my father and brother], 'You need to come with us to our office' ... The unknown people put my father and brother on the back of their pickup truck ...

After 63 days, we finally found [my father and brother] ... They were behind the bus terminal in Village B ... My brother and father had been buried together in a single hole. My father's hands were tied together with a motorbike clutch cable; his neck was also bound. I don't know why my family was targeted. When my [father] was alive, he was never a member of any organisation.

Eka's testimony illustrates the terrifying nature of OTK attacks during the Aceh conflict, and the devastating effect of these attacks on her family. The KKR Aceh has recorded a further 41 accounts of similar OTK attacks in Bener Meriah as part of its initial documentation of eyewitness testimonies in the district. What can Eka's testimony tell us about the purpose of these attacks and who was responsible?

The OTK who feature in Eka's testimony deliberately disguised themselves, wearing masks and all-black uniforms. They were also involved in perpetrating different types of violence. During the first attack, the OTK targeted a whole village, indiscriminately burning down houses and forcing villagers to flee. During the second attack, the OTK, who may or may not have been the same group of people, targeted specific individuals, who were then subjected to an extrajudicial 'arrest' process before being disappeared and, ultimately, murdered.

To this day, Eka does not know why her family was targeted, or even by whom. She is not, however, alone. 'Unknown people' attacks were an all-too-common feature of the Aceh conflict. These attacks were particularly

pronounced in Bener Meriah and Central Aceh¹¹ – two districts with large transmigrant Javanese communities and, as this chapter will explain, long histories of military mobilisation of civilian militia groups.

The task of establishing the identity and objectives of OTK groups in Bener Meriah is complicated by the involvement of civilians in the perpetration of violence during the Aceh conflict. It is known, for example, that civilians participated in violence during the conflict in a number of capacities: for example, as members of legal, state-run paramilitary groups (Hansip [Pertahanan Sipil, Civil Defence], Hanra [Pertahanan Rakyat, People's Defence], Wanra [Perlawanan Rakyat, People's Defence]) and extralegal pro-military militias, including, in Bener Meriah, the Putra Jawa Kelahiran Sumatera (Pujakesuma, Sons of Java Born in Sumatra) and the Front Perlawanan Rakyat Merah Putih (PPRMP, Red and White Peoples' Resistance Front).¹² These state-run paramilitary groups operated under the direct and open control of the military,¹³ while the pro-military militias were mobilised clandestinely.¹⁴

It has long been suspected that OTK in Aceh also operated under the direction of the military. However, the precise relationship between OTK and the military during the Aceh conflict has yet to be established. The military has never publicly accepted responsibility for OTK attacks during the Aceh conflict. Instead, it has frequently blamed OTK attacks on the separatist

11 Komisi Nasional Hak Asasi Manusia (Komnas HAM), *Laporan Tim Ad Hoc Aceh Tahun 2004*, Jakarta, 15 February 2004, 296.

12 Komisi untuk Orang Hilang dan Korban Kekerasan [Commission for the Disappeared and Victims of Violence] (KontraS) Aceh and The Aceh Institute, *Draf Buku Anatomi Konflik Gayo*, Banda Aceh, 2011, 29–33.

13 Keputusan Presiden Republik Indonesia tentang Penjempurnaan Organisasi Pertahanan Sipil dan Organisasi Perlawanan dan Keamanan Rakyat dalam Rangka Penertiban Pelaksanaan Sistem Hankamrata, Nomor 55, Tahun 1972, hukumonline.com/pusatdata/detail/lt541aaab8a26ce/keputusan-presiden-nomor-55-tahun-1972/document.

14 The Indonesian military routinely mobilised pro-military militia groups during the Aceh conflict as part of its counterinsurgency activities. The World Bank estimates that these groups, known collectively as Pembela Tanah Air (PETA, Defenders of the Homeland), mobilised at least 6,500 civilian members during the time of the conflict. See World Bank, 'Multi-Stakeholder Review of Post-conflict Programming in Aceh: Identifying the Foundations for Sustainable Peace and Development in Aceh,' *World Bank Document* 55603 v2, Banda Aceh, December 2009, 126, documents1.worldbank.org/curated/en/716601468259763959/pdf/556030WP0v20Bo110Report0MSR0English.pdf. See also Matthew N. Davies, *Indonesia's War over Aceh: Last Stand on Mecca's Porch* (New York: Routledge, 2006), 169–77, doi.org/10.4324/9780203968802. Following the 2005 Helsinki Peace Agreement, military intelligence took responsibility for distributing rehabilitation payments to these pro-military militia groups. See Leena M. Avonius, 'Reintegration: BRA's Roles in the Past and Its Future Visions,' (Working Paper, Crisis Management Initiative, Helsinki 2011), 18, acehpeaceprocess.net/pdf/avonius.pdf.

movement Gerakan Aceh Merdeka (GAM, Free Aceh Movement).¹⁵ While this denial is, in many cases, undoubtedly disingenuous, it is not completely wrong.

Throughout Aceh's almost three-decade-long civil war (1976–2005), GAM committed extensive human rights violations. This included burning down houses, and engaging in abductions and extrajudicial killings that have also been described by civilian eyewitnesses as OTK attacks.¹⁶ GAM has also routinely denied responsibility for these attacks. This has meant that even the most basic details about specific OTK attacks – including the identity and objectives of the attackers – in many cases remains unknown. The KKR Aceh is now faced with the difficult task of documenting OTK attacks and identifying those responsible.

The KKR Aceh's documentation of OTK attacks

The KKR Aceh was inaugurated on 24 October 2016 as a result of the memorandum of understanding (MoU) signed by the Indonesian government and GAM in Helsinki on 15 August 2005.¹⁷ As outlined in Chapter 2 of this volume, the KKR Aceh is mandated to 'reveal the truth' of past human rights violations and to 'help achieve reconciliation between the perpetrators of human rights abuses, both individuals and institutions, with the victims'.¹⁸ To fulfil this mandate, the KKR Aceh must not only record the various human rights violations that occurred during the time of the conflict, but also establish the identity of the different perpetrator and victim groups involved in these violations. This is because without knowing the identity of specific perpetrator and victim groups, it becomes difficult to know between whom reconciliation is required.

15 See, for example, Jane Perlez, 'A Long War Slices Deep in Indonesia,' *The New York Times*, 17 June 2002, nytimes.com/2002/06/17/world/a-long-war-slices-deep-in-indonesia.html.

16 Human Rights Watch, 'Indonesia: The War in Aceh,' *Human Rights Watch Report* 13, No. 4 (c) August 2001, 20, hrw.org/reports/2001/aceh/indacheh0801.pdf.

17 For an account of the KKR Aceh's formation, see Chapter 2 of this volume.

18 *Qanun Aceh*, Nomor 17, Tahun 2013 [No. 17, Year 2013] tentang 5 Komisi Kebenaran dan Rekonsiliasi Aceh, signed by Zaini Abdullah, governor of Aceh, Banda Aceh, 31 December 2013, Chapter 2, Articles 3, 7, storage-1.acehprov.go.id/index.php/s/5As7A3nuvJCv1Oe. See also Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh), 'Aceh Truth and Reconciliation Commission: A Diplomatic Brief,' 2 April 2019, www.invorsys.co.id/demo/kkr/index.php/2019/04/02/aceh-truth-and-reconciliation-commission-a-diplomatic-brief/ (site discontinued; accessed 10 January 2020).

The identification of individual perpetrators of human rights abuses is understood to be an important step towards pursuing justice for victims of such abuses. This can be seen in the principle of individual criminal responsibility, which is recognised under international law.¹⁹ Likewise, the United Nations Office of the High Commissioner for Human Rights (OHCHR) has explained that the identification of individual perpetrators of human rights abuses is an important 'weapon in the fight against impunity'.²⁰ However, this process of identification is complicated in the case of the KKR Aceh. This is because there is little motivation for either perpetrators or survivors to name those responsible for human rights violations during the conflict.

One challenge to uncovering this information lies in the provision of amnesties to perpetrators. As discussed in Chapter 2, the 2005 MoU granted immediate 'amnesty to all persons who have participated in GAM activities'.²¹ While this provision was intended to reduce reprisals against former GAM fighters during the early stages of the peace process, it also removed the promise of amnesty as an incentive for former GAM fighters to provide full disclosure of their actions, a strategy attempted by South Africa's Truth and Reconciliation Commission.²² Without this leverage, most former GAM fighters have chosen to stay tight lipped about their involvement in human rights abuses.

Similarly, the 2005 MoU did not directly address how government forces accused of human rights abuses during the conflict should be treated, other than to declare that a human rights court and a truth and reconciliation commission would be established in Aceh 'with the task of formulating and determining reconciliation measures'.²³ As outlined in Chapter 2 of this volume, the establishment of these two bodies has been obstructed at almost every turn by both the central government and Aceh's political elite. To date,

19 See, for example, Gerhard Werle, 'Individual Criminal Responsibility in Article 25 ICC Statute,' *Journal of International Criminal Justice* 5 (2007): 953–75, legal-tools.org/doc/f50d22/pdf/.

20 United Nations, *Who's Responsible? Attributing Individual Responsibility for Violations of International Human Rights and Humanitarian Law in United Nations Commissions of Inquiry, Fact-Finding Missions and Other Investigations*, New York and Geneva, 2019, 15, doi.org/10.18356/5d8edd2d-en.

21 'Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement,' signed by Hamid Awaludin on behalf of the Government of the Republic of Indonesia and Malik Mahmud on behalf of the Free Aceh Movement, Helsinki, Finland, 15 August 2005, 4, acehpeaceprocess.net/pdf/mou_final.pdf.

22 Adrian Guelke, 'Truth for Amnesty? The Truth and Reconciliation Commission and Human Rights Abuses in South Africa,' *Irish Studies in International Affairs* 10 (1999): 23.

23 'Memorandum of Understanding,' 4.

a human rights court has yet to be established, while severe limitations have been placed on the KKR Aceh in undertaking its mandate to investigate human rights violations during the Aceh conflict. As a result, Indonesian security force personnel have effectively received an informal amnesty for their involvement in human rights abuses during the conflict.

The KKR Aceh is a nonjudicial mechanism. It has no ability to prosecute perpetrators identified through its investigations.²⁴ Likewise, its investigators are heavily curtailed in their investigative powers. The KKR Aceh has, for example, no power to compel potential perpetrators or other eyewitnesses to provide statements or undergo questioning. Nor can it issue subpoenas to force the release of official documents or archives. Instead, the KKR Aceh has found itself reliant upon voluntary statements, and publicly available documents and archives.²⁵ These statements and documents are collected by the KKR Aceh fact-finding group, which, as one of six working groups, operates under the direction of the commission's six current commissioners.²⁶ In addition to these jurisdictional challenges, the KKR Aceh must also contend with the legacies of intergroup conflict in the province, which predate the recent Aceh conflict. These legacies are particularly pronounced in Bener Meriah, which has historically been a flashpoint for intergroup conflict in the province.

Intergroup conflict in Bener Meriah

Until 2003, Bener Meriah was part of Central Aceh district. Although Bener Meriah remained integrated with Central Aceh during the period covered in this chapter (1999–2002), the authors will continue to refer to Bener Meriah as a distinct area, delineated by its current borders, as the KKR Aceh's records for Bener Meriah and Central Aceh are divided in this manner.²⁷ Both Bener Meriah and Central Aceh share a common economic

24 For a discussion of the reasons for the KKR Aceh's adoption of a non-judicial approach, see Chapter 2 of this volume.

25 Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh), 'Tugas dan Fungsi,' Banda Aceh, n.d., kkr.acehprov.go.id/halaman/tugas-dan-fungsi.

26 Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh), 'Pokja,' Banda Aceh, n.d., kkr.acehprov.go.id/halaman/pokja. See also Khairil Akbar, 'Politik Hukum Pembentukan Komisi Kebenaran dan Rekonsiliasi Aceh,' *Lex Renaissance* 2, no. 2 (2017): 203, doi.org/10.20885/jlr.vol2.iss2.art11.

27 See, for example, Komisioner Komisi Kebenaran dan Rekonsiliasi (Komisioner KKR), 'Pernyataan Sikap Dalam Rapat Dengar Kesaksian Tahun 2018,' Banda Aceh, 29 November 2018, drive.google.com/file/d/1QJEgUCRhm9OX5XiIOEX0VJvUb-wLLfwM/view.

and cultural history. They also share a unique history of intergroup conflict, exacerbated by over a century of state-sponsored transmigration into the area.²⁸

Bener Meriah, like Central Aceh, is located in the Acehnese highlands. It sits to the north of Lake Tawar, the large freshwater lake in the centre of Central Aceh. Today, tourists travel to Bener Meriah to experience its waterfalls and volcanic springs. The district also hosts a large plantation economy. Coffee from Bener Meriah and Central Aceh is sold into international supply chains, while staple crops that are able to grow in the cooler climate of the highlands, including potatoes, chillies and citrus, are sold in neighbouring North Sumatra.

The Acehnese highlands are the ancestral home of the Gayonese, an ethnic minority in Aceh.²⁹ While Aceh's population is today, by ethnicity, 72 per cent Acehnese and 7 per cent Gayonese,³⁰ Bener Meriah is predominantly Gayonese. The district also has a large ethnic Javanese population³¹ as a result of successive state-sponsored transmigration campaigns that began during the colonial period.

During the Dutch Aceh War (1873–1904), Dutch forces conducted a genocidal scorched earth campaign in the Acehnese highlands before occupying the territory as a base from which to extend their control over Aceh.³² A profitable plantation economy was subsequently introduced to the

28 Transmigration here refers to the state-sponsored movement of citizens from one location to another within Indonesia's geographic borders. Begun during the colonial period, transmigration continued after independence and through the New Order period, and it continues in the present. Traditionally, transmigration programs have often been officially described as a means to reduce poverty and overpopulation in certain areas (especially Java), while supporting economic development in others. Transmigration has also been used to promote security interests. During the early 2000s, for example, plans were made to send transmigrants to the Kalimantan/Malaysia border to act as a 'safety belt' for the state. See Lesley Potter, 'New Transmigration "Paradigm" in Indonesia: Examples from Kalimantan,' *Asia Pacific Viewpoint* 53, no. 3 (2012): 1, doi.org/10.1111/j.1467-8373.2012.01492.x. See also J. Hardjono, 'The Indonesian Transmigration Program in Historical Perspective,' *International Migration* 26, no. 4 (1988), doi.org/10.1111/j.1468-2435.1988.tb00662.x.

29 For a comprehensive history of the Acehnese highlands, see John R. Bowen, *Sumatran Politics and Poetics: Gayo History, 1900–1989* (New Haven: Yale University Press, 1991), doi.org/10.2307/j.ctt2250wwf.

30 Jovanie Camacho Espesor, 'Perpetual Exclusion and Second-Order Minorities in Theaters of Civil Wars,' in *The Palgrave Handbook of Ethnicity*, ed. Steven Ratuva (Singapore: Palgrave MacMillan, 2019), 971, doi.org/10.1007/978-981-13-2898-5_145.

31 Ethnic Javanese constitute 8 per cent of Aceh's total population. Espesor, 'Perpetual Exclusion and Second-Order Minorities,' 971.

32 Emmanuel Kreike, 'Genocide in the Kampongs? Dutch Nineteenth Century Colonial Warfare in Aceh, Sumatra,' *Journal of Genocide Research* 14, 3–4 (2012): 297–315, doi.org/10.1080/14623528.2012.719367.

highlands and indentured workers from Java were encouraged to migrate to the area.³³ This campaign was part of a Dutch-led initiative to alter demographics in the colony from 1905 by providing incentives for poor farmers from Java, the colony's most densely populated island, to travel to Indonesia's 'outer' islands, including Sumatra.³⁴

The region's plantation economy was maintained after independence, as were many of the Javanese villages that had sprung up beside these plantation areas. From the early 1950s, the Indonesian government actively supported transmigration as a means to ameliorate poverty and landlessness in Java. This campaign was supported by the Indonesian Communist Party, Partai Komunis Indonesia (PKI, Indonesian Communist Party), in the 1950s and early 1960s.³⁵ The program was less popular in host communities, where very little provision was made by the central government to accommodate the new arrivals. In Aceh, where antigovernment sentiment had grown since the province was integrated with North Sumatra against the wishes of the Acehnese elite in 1950, Javanese transmigrant communities became increasingly seen as proxies for Sukarno's government in Jakarta.³⁶

Ethnic tensions between the Acehnese, Gayonese and Javanese in the Acehnese highlands have been exploited by successive regimes. During the Darul Islam (Abode of Islam) rebellion in the province (1953–63)³⁷, the military mobilised members of the PKI³⁸ who were identified with Aceh's Javanese population³⁹ to oppose Darul Islam forces, which were led by Aceh's first governor and modernist Islamic leader, Daud Beureu'eh. During the 1965–66 genocide, this pattern was reversed, when the military

33 Sufandi Iswanto, Zulfan, and Nina Suryana, 'Gayo Highland and Takengon from 1904 to 1942: A Historical Analysis of Coffee Plantations at the Era of Dutch Colonialism [sic],' *Paramita: Historical Studies Journal* 30, no. 1 (2020): 69–82, doi.org/10.15294/paramita.v30i1.21637.

34 Tania Murray Li, 'Centering Labor in the Land Grab Debate,' *The Journal of Peasant Studies* 38, no. 2 (2011): 286, doi.org/10.1080/03066150.2011.559009.

35 Hardjono, 'The Indonesian Transmigration Program,' 429.

36 Jess Melvin, 'The Hammer and Sickle in "Mecca's Verandah" – The Indonesian Communist Party in Aceh, 1920–65,' *Indonesia* 108 (October 2019): 30, doi.org/10.1353/ind.2019.0011.

37 The Darul Islam rebellion opposed Sukarno's secular nationalist government and the amalgamation of Aceh into North Sumatra province in 1950. It was not a separatist movement, advocating instead for Indonesia to become an Islamic state. See Edward Aspinall, 'From Islamism to Nationalism in Aceh, Indonesia,' *Nations and Nationalism* 13, no. 2 (2007): 147–49, doi.org/10.1111/j.1469-8129.2007.00277.x.

38 Jess Melvin, *The Army and the Indonesian Genocide: Mechanics of Mass Murder* (New York: Routledge, 2018), 86–87, doi.org/10.4324/9781351273329.

39 Acehnese also joined the PKI in Central Aceh at this time. See Melvin, 'The Hammer and Sickle,' 27.

mobilised Acehnese Islamist militia groups and former Darul Islam members to participate in the destruction of the PKI, which remained associated with Aceh's Javanese community at this time.⁴⁰

Suharto's New Order regime (1966–98) accelerated transmigration as a means to support economic development and political homogenisation in the regions.⁴¹ In Aceh, this coincided with the intensification of the central government's rapacious exploitation of the province's substantial natural resources, which bypassed the Acehnese elite and left the local population poor.⁴² From its inception in 1976, GAM conflated anger against the central government with anti-Javanese sentiment,⁴³ often describing the Indonesian government as a 'Javanese colonial regime'.⁴⁴ GAM leader Hasan di Tiro also proposed that the Indonesian military was dominated by 'Javanese who regard the non-Javanese as foreign subjects'.⁴⁵ Throughout the conflict, the Javanese transmigrant community in Bener Meriah, as throughout the province, were routinely targeted for attacks. Both GAM and the military blamed each other for these seemingly ethnically motivated attacks.⁴⁶

Critically, the military also weaponised Aceh's transmigration program to encourage intergroup conflict. A pilot program launched in September 1998 provided paramilitary training to new transmigrants scheduled to travel to Aceh from Java.⁴⁷ The military also supported the creation of pro-government militias in the Javanese transmigrant community in Bener Meriah, as it had done during the Darul Islam rebellion.⁴⁸ A similar

40 Melvin, *The Army and the Indonesian Genocide*, 46–49, 141–42.

41 For an account of Indonesia's transmigration program during the first two decades of the New Order period, see, World Bank, *Indonesia: The Transmigration Program in Perspective*, Washington, DC, 1988, documents.worldbank.org/en/publication/documents-reports/documentdetail/353671468771708841/indonesia-the-transmigration-program-in-perspective.

42 Tim Kell, *The Roots of Acehnese Rebellion, 1989–1992* (New York: Cornell University, Modern Indonesia Project, 1995), 45–47.

43 Edward Aspinall, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia* (Stanford: Stanford University Press, 2009), 70–74. See also Tim Kell, *Acehnese Rebellion*, 98–104.

44 See, for example, Zakaria Hamzah, 'Translation from Milli Gazete "Ace Sumatra'dan Mektup", Istanbul, 15 March 1985,' in *Free Atjeh Sumatra in World Press* (London: National Liberation Front Atjeh Sumatra, 1985), 37–38, yumpu.com/en/document/read/19893044/publzmd-iitt-hoiciwl-lzbermkdq-n-iromf-acehbooksorg. See also Komisi Nasional Hak Asasi Manusia (Komnas HAM), 'Laporan Tim Ad Hoc Aceh Tahun 2004', 296–97.

45 Tengku Hasan M. di Tiro, 'The Javanese Entrusted with the Colonial Invention of Indonesian Nationalism,' *Crescent International*, 1–15 August 1985, reprinted in *Free Atjeh Sumatra in World Press*, (London: National Liberation Front Atjeh, 1985), 47–48.

46 Davies, *Indonesia's War over Aceh*, 187.

47 Davies, *Indonesia's War over Aceh*, 187.

48 KontraS Aceh and The Aceh Institute, *Draf Buku Anatomi Konflik Gayo*, 29–33.

weaponisation of transmigration communities was employed by the military in East Timor (1975–99) and is still being employed today in West Papua (1961 to the present).⁴⁹

While both the military and GAM refuse to take responsibility for intergroup violence during the conflict, the local community in Bener Meriah has taken steps to support grassroots reconciliation in the district. On 22 December 2010, a public ceremony was held in a large sports field in Bukit subdistrict, led by the newly formed Aceh civil society group Komunitas Perempuan Cinta Damai (Community of Women Who Love Peace). The atmosphere was festive.⁵⁰ Young children ran around while peddlers sold sweets and bubble wands, and dignitaries sat in chairs under a sunshade.

As five white doves were released into the air, three women, representing, in turn, the Acehnese, Gayonese and Javanese communities in Bener Meriah, implored listeners to never again return to the dark days of the conflict. 'All levels of society,' they announced, must 'eliminate suspicion, incitement and all hostility based on race, language, culture and even political views.'⁵¹ However, despite overwhelming community support for peace and reconciliation in Bener Meriah, this has, to date, been a reconciliation without truth: the exact role of the military and GAM in perpetrating human rights abuses in the district during the time of the conflict remains unclear. This is especially the case when it comes to OTK attacks.

OTK attacks and the Aceh conflict

Relatively little is known about OTK attacks during the Aceh conflict. While the term OTK was not used in connection with the Aceh conflict until the early 2000s, there are records of similar attacks dating back to the early 1990s. In 1993, Amnesty International reported that as early as July 1990, 'a pattern of "mysterious killings", in which hundreds of civilians were killed by unknown assailants, began to emerge' in Aceh.⁵² These mysterious killings, the report continues, 'had the following features':

49 Shane Joshua Barter and Isabelle Côté, 'Strife of the Soil? Unsettling Transmigrant Conflicts in Indonesia,' *Journal of Southeast Asian Affairs* 46, no. 1 (February 2015): 60–85, doi.org/10.1017/S0022463414000617.

50 Jess Melvin attended this ceremony. The following description is based on her memory of events.

51 'Siaran Pers: Deklarasi Kampung Damai di Bener Meriah KPCD Ajak Siarkan Hakikat Perdamaian,' Dwi Handayani, Bener Meriah, 22 December 2010, kontras.org/backup/home/index.php?module=pers&cid=1187 (site discontinued; accessed 11 January 2020).

52 Amnesty International, *Indonesia – 'Shock Therapy': Restoring Order in Aceh, 1989–1993* (London: Amnesty International, 28 July 1993), ASA 21/07/93, 17–18.

The corpses of victims were left in public places – beside a main road, in fields and plantations, next to a stream or a river – apparently as a warning to others not to join or support the rebels. Most had clearly been prisoners when they were killed. Their thumbs, and sometimes their feet, had been tied together with a particular type of knot. Most had been shot at close range, though the bullets were seldom found in their bodies. Most also showed signs of having been beaten with a blunt instrument or tortured, and their faces were therefore often unrecognisable.⁵³

Features of these mysterious killings thus include the deliberate disguising of the identity of the attacker, the public display of corpses, signs that victims had been detained and restrained, signs that they had been tortured and indications that they had been killed with their hands bound. These patterns mirror those found in Eka's testimony, which refers to events in the province a decade later, in 2001.

Amnesty International is unequivocal about attributing the 'mysterious killings' of the early 1990s to the Indonesian military.⁵⁴ These attacks began at the same time as the military's first full-scale operation against GAM, when Aceh was declared a Daerah Operasi Militer (DOM, Military Operations Zone) between 1989 and 1998. This operation, Human Rights Watch has reported, constituted one of the heaviest counterinsurgency campaigns in the country since the 1965–66 genocide.⁵⁵

The term 'mysterious killings' has also been associated with another military-led killing campaign known as the *Penembakan Misterius* (Petrus, mysterious shootings). In the early to mid-1980s, three to four thousand 'suspected criminals' were killed in a wave of violence that swept Indonesia.⁵⁶ The Petrus killings were also carried out by groups of 'unknown people' who deliberately disguised their identities. The victims, unarmed civilians, were either summarily executed or kidnapped, tortured and killed, and their bodies dumped in public places.⁵⁷ In both the 'mysterious killings' in Aceh and the Petrus killings throughout Indonesia, these attacks occurred over large geographic areas and displayed elements of coordination.

53 Amnesty International, *Indonesia – 'Shock Therapy'*, 18.

54 Amnesty International, *Indonesia – 'Shock Therapy'*, 17.

55 Human Rights Watch, 'Aceh under Martial Law: Inside the Secret War,' *Human Rights Watch* 15, no. 10 (c), December 2003, 8, hrw.org/reports/2003/indonesia1203/indonesia1203.pdf.

56 Justus M. van der Kroef, '“PETRUS”: Patterns of Prophylactic Murder in Indonesia,' *Asian Survey* XXV, no. 7 (1985): 745–46, doi.org/10.2307/2644242.

57 For a description of the Petrus killings, see David Bourchier, 'Crime, Law and State Authority in Indonesia,' in *State and Civil Society in Indonesia*, ed. Arief Budiman (Clayton, Victoria: Monash University, Asia Institute, 1990), 186.

The Indonesian state initially denied any responsibility for the Petrus killings,⁵⁸ just as it did in the case of the 'mysterious killings' in Aceh. However, this denial was quickly shattered. In his 1989 autobiography, Suharto claimed personal responsibility for the Petrus killings, which he described as a form of 'shock therapy'.⁵⁹ The Petrus killings, it has since been reported, were carried out by 'death squads composed of the paracommando unit, then called Kopassandha [Indonesia's Special Forces Command]'.⁶⁰ Indonesia's Military Special Forces Command, today known as Kopassus (Komando Pasukan Khusus), has been implicated in gross human rights abuses throughout Indonesia since the 1960s, when it helped spearhead the 1965–66 genocide. Kopassus is also reported to have committed gross human rights abuses during the Indonesian occupation of East Timor (1975–99) and in West Papua (1961 to the present), in addition to during the Aceh conflict.⁶¹ In the case of the Aceh conflict, it has been reported that Kopassus was directly involved in the 'mysterious killings' that would later become known as OTK attacks. As Matthew N. Davies explains, 'disappearance killings' were 'allegedly a Kopassus-SGI (Satuan Gabungan Intelijen, Indonesia's Military Intelligence Task Force) specialisation'.⁶²

During both the Petrus killings and the 'mysterious killings' in Aceh, it appears that the apparent role of the state was disguised not only to protect individual perpetrators, but to also demonstrate the impunity of the state. Indeed, the terror of these attacks was, in part, caused by the knowledge that those responsible would never be brought to account. In the case of the Petrus killings, this impunity has continued despite Suharto's personal admission of responsibility.⁶³

58 van der Kroef, "'PETRUS'", 746.

59 'Suharto Authorised the Death Squads,' *Tapol Bulletin* 91 (February 1981): 1, vuir.vu.edu.au/26200/1/TAPO191_compressed.pdf.

60 'Suharto Authorised the Death Squads,' 1.

61 Andreas Harsono, 'The US Should Not Be Rehabilitating Indonesia's Abusive Special Forces,' *Human Rights Watch*, 26 January 2018, hrw.org/news/2018/01/26/us-should-not-be-rehabilitating-indonesias-abusive-special-forces; Conn Hallinan, 'Getting into Bed with the Devil in Indonesia,' *Foreign Policy in Focus*, Washington, 27 September 2010, www.proquest-com.ezproxy.library.sydney.edu.au/docview/759012764/abstract/377ADE3078624BB8PQ/1?accountid=14757 (site discontinued; accessed 30 January 2020).

62 Davies, *Indonesia's War over Aceh*, 164.

63 To this day, the Indonesian state continues to block all attempts by Indonesia's National Human Rights Commission (Komnas HAM) to investigate the Petrus killings. See 'Submission for the Preparation by the Human Rights Committee of a List of Issues to be Considered during the Examination of the Initial Report of Indonesia [sic],' *The Indonesian National Commission on Human Rights*, 28 December 2012, www2.ohchr.org/english/bodies/hrc/docs/ngos/nationalcommissiononhumanrights_indonesia_hrc107.pdf.

The end of the New Order, following Suharto's forced resignation in May 1998, did not spell an end to the 'mysterious killings' in Aceh. Indeed, such attacks, by then known as OTK attacks, began to increase in frequency during the early 2000s. These attacks coincided with a new phase in the Aceh conflict. In August 1998, Aceh's status as a DOM was lifted. This was followed by 12 months of relative peace, until negotiations between the Indonesian government and GAM began to break down in late 1999. At this time, 'there was an increase in the same types of human rights violations that had characterised the DOM period'.⁶⁴ The effective collapse of a third-party negotiated 'Humanitarian Pause' in late 2000⁶⁵ led to a renewed military offensive in April 2001, and with it, further OTK attacks.

In 2003, Human Rights Watch provided the following description:

In Aceh, forced disappearances frequently occur after security forces or unknown armed men visit a house at night and take the victim away in a vehicle. This practice is popularly described as *ambil malam* (taken at night). While in many cases the perpetrators are described as *orang tak dikenal* (persons unknown), in some cases family members or neighbours are able to identify them. Often the bodies of those who 'disappear' are found at the side of the road or in a rice field, days or weeks later. In other cases, they are never seen again.⁶⁶

This description of OTK attacks during the early 2000s shares many similarities with earlier accounts of 'mysterious killings' in the province. Once again, attackers attempted to disguise their identity, though this was not always successful. Victims were taken at night, while bodies were dumped in public places, presumably to terrorise the local population. Meanwhile, Indonesia's security forces have also been explicitly identified as being responsible for these attacks. However, this was not always the case.

From the early 2000s onward, GAM was increasingly seen to be responsible for OTK attacks. In its 2001 report on the Aceh conflict, Human Rights Watch observed:

⁶⁴ Human Rights Watch, 'Aceh under Martial Law,' 9.

⁶⁵ Edward Aspinall and Harold Crouch, *The Aceh Peace Process: Why It Failed*, Policy Studies 1 (Washington, DC: East-West Center, 2003), 18, eastwestcenter.org/sites/default/files/private/PS001.pdf.

⁶⁶ Human Rights Watch, 'Aceh under Martial Law,' 25.

Both sides make use of individuals in civilian clothes to carry out operations ... The most frequent perpetrators of targeted executions and mass arson are 'unknown persons' (OTK) ... The description 'OTK' thus becomes a convenient cover for both sides. Indeed, in some of the highest profile killings in Aceh in 2001, it remains unclear which side was responsible.⁶⁷

This report of 'both sides' being involved in OTK attacks coincided with an escalation of violence in Aceh. By the early 2000s, the Aceh conflict much more closely resembled a civil war than it had during the early 1990s, when GAM remained 'miniscule'⁶⁸ and the military's campaign was largely one-sided in nature.⁶⁹ GAM now controlled large sections of the Acehnese countryside, while the Indonesian military 'embarked on a systematic effort' to separate the rebels from their civilian supporters.⁷⁰ As a result, civilians became increasingly drawn into the conflict. It also became more difficult for victims of OTK violence to know the identity of their attackers.

Bener Meriah became a flashpoint in this struggle. In June 2001, Human Rights Watch reports, Bandar and Timang Gajah, two subdistricts in present-day Bener Meriah, became the site of a 'particularly violent eruption' of intergroup violence.⁷¹ Both GAM and the military blamed each other for this violence. Meanwhile, the term 'OTK' became an important euphemism for civilians hoping to remain neutral when describing such violence. It was against this political backdrop that the events documented in the eyewitness testimonies recorded by the KKR Aceh in Bener Meriah that are cited in this chapter occurred.

67 Human Rights Watch, 'The War in Aceh,' August 2001, 5, hrw.org/reports/2001/aceh/indacheh0801.pdf.

68 Geoffrey Robinson, 'Rawan Is as Rawan Does: The Origins of Disorder in New Order Aceh,' *Indonesia* 66 (October 1998): 128, doi.org/10.2307/3351450.

69 Kell, *Acehnese Rebellion*, 114–118.

70 Human Rights Watch, 'The War in Aceh', 11. See also Kirsten E. Schulze, 'Insurgency and Counter-Insurgency: Strategy and the Aceh Conflict, October 1976–May 2004,' in *Verandah of Violence: The Background to the Aceh Problem*, ed. Anthony Reid (Singapore: Singapore University Press, 2006), 225–71, doi.org/10.1017/s0021911808000557.

71 Human Rights Watch, 'The War in Aceh', 11.

An initial analysis of the KKR Aceh's OTK testimonies

The majority of the 42 eyewitness testimonies collected by the KKR Aceh in Bener Meriah record cases of OTK attacks in the district between 1999 and 2002 (33 cases). While this sample size is too small to be statistically significant, a close textual analysis of these testimonies can yield important insights into the patterns of violence that emerged in Bener Meriah during this period. Here we present a close textual analysis of six of these testimonies in order to highlight the strengths and limitations of the KKR Aceh's initial documentation of OTK attacks during the Aceh conflict.

The KKR Aceh's eyewitness testimonies⁷² are each between one and three pages of single-sided, typed first-person narrative. They contain basic biographical data of the person making the statement, including their name, date of birth and personal connection to the human rights violations recorded. The testimonies also contain a narrative of events relating to a specific event or series of events that are reported to have been witnessed by the person making the statement.

The contextual information provided in these narratives is minimal. Only 12 of the testimonies include the day, month and year when the events recorded are alleged to have occurred. A further eight include only a specific month and year, while the remaining 22 (52 per cent of all testimonies), record only the year the events are alleged to have occurred. It is understandable that the memories of eyewitnesses may have faded over time, thus reducing the ability of these eyewitnesses to recall, to the day, the specific dates that certain events occurred, but without general information about the month or general time of year the reported event is alleged to have occurred, it becomes difficult to situate the event in a general chronology, thus greatly reducing the usability of the testimony.

Information related to the locations of recorded events is slightly more specific. Twenty-eight of the KKR Aceh's initial eyewitness testimonies from Bener Meriah record the name of the village and subdistrict where the events are alleged to have occurred. Six include the subdistrict, but no

72 The 'testimonies' are, in fact, narrative summaries based on the transcripts of the recorded interviews with individual survivors. These narrative summaries have been prepared by the KKR Aceh's Documentation and Publication Team. Email correspondence with KKR Aceh Deputy Head Commissioner Evi Narti Zain, 26 April 2021. The testimony-recording process is discussed further in Chapter 5 of this volume.

village, while seven include no location information other than that the events occurred in Bener Meriah district. Among the testimonies that record a specific location, a majority of these cite cases that occurred in Bukit (14 cases) and Bandar (13 cases), two neighbouring subdistricts that are the closest to the present-day border of Bener Meriah and Central Aceh.

Meanwhile, each of the testimonies record examples of serious human rights violations. These violations can be sorted into eight main categories: the burning of houses and villages, extrajudicial killings, the displacement of civilian populations, public killings, kidnapping and forced disappearances, public display of corpses, beatings and torture. These violations constitute gross human rights abuses and crimes against humanity, as codified in Indonesia's 1999 Human Rights Law (Art. 104)⁷³ and 2000 Human Rights Court Law (Art. 9).⁷⁴

The most commonly reported types of violations identified in the 42 testimonies include the burning of houses/villages (28 cases), extrajudicial killings (26 cases) and the displacement of civilian populations (23 cases). There are 13 cases of both public killings and kidnapping/forced disappearances. Meanwhile, there are five recorded cases of beatings and four cases of torture.

The question of agency behind these violations is more complicated. While six of the 42 testimonies explicitly identify the Indonesian military as being responsible for the recorded violations and five explicitly identify GAM as responsible, 33 cases are reported as having been perpetrated by unknown persons. This means that in 79% of cases, the identity of perpetrators is reported as unknown. An important task of the KKR Aceh must thus be to determine whether it is possible to identify these 'unknown persons' from the other information contained in the testimonies.

The following six testimonies have been chosen because they cluster around two main dates: 10 April 2001 (two testimonies) and 6 June 2001 (four testimonies), providing multiple accounts of the same events. This overlap allows for a basic corroboration of the events recorded. In each case, analysis of the cases is prefaced by a short summary of the testimonies collected by the KKR Aceh. This is the first such analysis of these testimonies to date.

73 'Undang-Undang Republik Indonesia, Nomor 39, Tahun 1999 Tentang Hak Asasi Manusia,' Article 104, 39, m.hukumonline.com/pusatdata/detail/lt4d5b5fc6abcb2/undangundang-nomor-39-tahun-1999/document#.

74 'Undang-Undang Republik Indonesia, Nomor 26, Tahun 2000 Tentang Pengadilan Hak Asasi Manusia,' Article 9, 4, www.dpr.go.id/dokjdi/document/uu/UU_2000_26.pdf.

Testimony 1, 'RBA', female, Village C, Wih Pesam, 10 April 2001

On 10 April 2001, in Village C, Wih Pesam, Bener Meriah [then Central Aceh], RBA heard a disturbance outside her house. She took her seven-day-old baby and headed to her mother's house in the same village. While she was there, she learned that her husband had 'been taken by people' (*dibawa orang*) to Takengon in a REO [a type of truck]. '[T]hese people' (*orang tersebut*), she reports, were 'wearing camouflage like that worn by the military' (*berpakaian loreng seperti baju tentara*).

The next day, RBA's husband was brought back to Village C by 'the same people' (*orang tersebut*). His body was swollen and covered in blood. As RBA cried, her husband told her that in Takengon he had been forced to remove all of his clothes, except for his underwear, before his back was burned with lit cigarettes. He couldn't see anything because it was dark, but, RBA reports, he was told to admit to being a member of GAM (*disuruh mengaku sebagai anggota GAM*), even though he was only a regular civilian.

Following this incident, RBA's husband was 'made to report once a week to the Takengon district military command for three months'. He was also told he could not leave Village C. However, because RBA had just given birth and needed support, she and her husband travelled to Village D, a ten-minute drive from their house, also in Wih Pesam subdistrict, to stay with RBA's older sister. When they returned to Village C three months later, they discovered that their house had been burned down and all of their possessions destroyed in the fire.

Testimony 2, 'MBM', female, Village C, Wih Pesam, 10 April 2001

On 10 April 2001, in Village C, Wih Pesam, Bener Meriah [then Central Aceh], MBM reports that her house was burned down. At the time, she and her mother were in Beureunun, northern Aceh, four hours' drive from Village C, at her older brother's house. MBM's father was already deceased. MBM and her mother had fled Village C after two of their neighbours, including a fourteen-year-old boy named BB, had been killed. MBM and her mother were in Beureunun when their house was burned down. They only found out two months later, when they returned to Village C.

It was not only their house that had been burned down. All of the houses on the main street, six houses in total had been burned down. 'We don't know who burned them,' (*Siapa yang membakarnya kami tidak tahu*) MBM explains. 'We don't even know how they were burned'.

MBM reports feeling traumatised since BB was killed. Even though he was only a child, his throat had been slit, his ears had been cut off and he had been decapitated. MBM explains she was often threatened and accused of being GAM after she returned to Village C. Two of her brothers-in-law were members of GAM, and this is why she believes she and her mother were targeted. Despite explaining that she does not know who burned down her house, she later describes how her family was 'terrorised by the military' (*diteror sama tentara-tentara*), who would fire bullets into the air while accusing those in the village of being 'GAM families' (*keluarga GAM*).

In both these testimonies, the survivors, RBA and MBM, say they do not know who was responsible for the perpetration of the extensive human rights violations recorded. These violations included extrajudicial arrest (or kidnapping), torture, the burning of houses and villages, extrajudicial killing, mutilation, the public display of corpses and intimidation. RBA's husband was 'taken by people' (*dibawah orang*) and tortured, while MBM's house was burned down by people they 'did not know' (*kami tidak tahu*).

However, both testimonies also provide important contextualising information that allows for a preliminary assessment of who may have been responsible for these attacks, despite not mentioning the ethnic identity of the individuals identified. This contextualising information includes the description of vehicles and clothing used by the perpetrators. RBA states that her husband was taken away in a 'REO truck', a vehicle usually used by the military to transport troops or prisoners. RBA also describes the attackers as wearing camouflage 'like' the military.

Meanwhile, both RBA and MBM believe that they, their families and their neighbours were attacked because they were accused of being GAM, and thus, by extension, antimilitary. They also report that they continued to be treated with suspicion by the military after the attack on 10 April 2001. RBA's husband was made to report regularly to the military, while MBM recounts how her family continued to be terrorised by the military.

In both cases it appears that RBA and MBM knew which side had attacked them: the military. Yet, they are reticent to state this explicitly. While it is only possible to speculate why RBA and MBM denied knowing who was responsible for the attack on Village C, it is possible that they continue to fear retaliation by the military.⁷⁵ It is, of course, also possible that the attack was 'made to look' like an attack by the military by GAM or other, unknown forces. This, however, is unlikely. It is not clear, for example, why RBA's husband would have been made to report regularly to the military if the attack had been carried out by antimilitary forces.

75 For a discussion of why eyewitnesses remain cautious about openly identifying perpetrators in the context of the current political situation in Aceh, see Lia Kent and Rizki Affiat, 'Gambling with Truth: Hopes and Challenges for Aceh's Commission for Truth and Reconciliation,' in *Flowers in the Wall: Truth and Reconciliation in Timor-Leste, Indonesia, and Melanesia*, ed. David Webster (Calgary: University of Calgary Press, 2018), 178, regnet.anu.edu.au/sites/default/files/publications/attachments/2019-01/Lia%20Kent%20Gambling%20with%20truth.pdf.

Important contextual information can also be seen in the next set of testimonies. This cluster relates to events in Village E on 6 June 2001 and is composed of four separate statements. These testimonies demonstrate the importance of collecting multiple eyewitness accounts of the same events, as it is sometimes only through the collation of cases that important identifying information can be obtained.

These two testimonies both blame the attack on Village E on unknown forces, which included the burning of houses and extrajudicial killings. JU describes the attackers as 'unknown people' (*orang yang tidak dikenal*), while AU does not describe the attackers at all. Neither testimony provides any explanation as to why Village E may have been attacked, nor do they provide the ethnic identity of the individuals involved. As AU explains, they were just 'ordinary people'. From these two testimonies alone, it is not possible to know who was responsible for the attack on Village E. However, this characterisation of the attack is challenged by the following two accounts of the same event. While these two testimonies also blame the violence on 'unknown people', they provide important contextualising information that provides further details on who was responsible for these attacks.

Testimony 1, 'JU', male, Village E, Bukit, 6 June 2001

On 6 June 2001, in Village E, Bukit, Bener Meriah [then Central Aceh], JU recalls that he slept in the coffee plantation near his house because the situation in the village was chaotic. Houses were burned down. Peoples' belongings, including a motorbike, were also taken by 'the people that burned down the houses' (*mereka yang membakar rumah*). The village, JU states, was attacked by 'unknown people' (*orang yang tidak dikenal*). 'We don't know who burned [the houses in the village]' (*Orang yang membakar kamipun tidak tahu*). 'We didn't even look [at them] because we were scared of being attacked.'

Testimony 2, 'AU', male, Village E, Bukit, 6 June 2001

On 6 June 2001, in Village E, Bukit, Bener Meriah [then Central Aceh], AU reports he was on night watch with eight other men from the village. At approximately 10 pm they heard gun shots, and everyone ran to save themselves. 'I ran to my mother's house', he says, 'and from there I could see that my house had been set on fire'. The shooting continued and AU saw one of the men from the village get shot and die on the spot. There were five people killed in total. The attack on the village continued until midnight and AU hid in the mosque until morning. All of the people who were shot, AU explains, were just 'ordinary people' (*masyarakat biasa*).

Testimony 3, 'ATP', male, Village E, Bukit, 6 June 2001

On 6 June 2001, in Village E, Bukit, Bener Meriah [then Central Aceh], ATP states that at around 10 pm, when he and other men from the village were performing night watch, 'unknown people' (*orang-orang yang tidak dikenal*) attacked the village. ATP explains that he and the other men on night watch attempted to defend the village, but they were overcome by the attackers and fled to the coffee plantations surrounding the village.

While they were hiding in the plantations, a house in the village was set on fire. ATP states that the person who lit the fire was a child around 15 years of age. There was also an adult who 'spoke Acehnese and carried a gun, a sword and a jerry can of petrol'. ATP explains he could see this level of detail because it was a clear night with a bright moon. Other houses in the village were also burned down.

The attack lasted until one in the morning. When everything was quiet, the villagers came back to the village. ATP reports there were multiple fatalities. After this attack, ATP says, the village was 'a bit safe' because it was left alone by 'all sides'.

Testimony 4, 'SA', male, Village E, Bukit, 6 June 2001

On 6 June 2001, in Village E, Bukit, Bener Meriah [then Central Aceh], SA reports that at 8 pm, many of the young men from the village were on night watch. SA was at home with his two school aged children. At 10 pm, he heard the first gun shots and went outside to see what was happening. He saw that some of the houses in the village had been set alight. After this the gunfire didn't stop.

SA and his family left via the front door of their house. They were immediately surrounded by 'unknown people' (*orang yang tidak dikenal*). SA told his wife that if they didn't leave now, they wouldn't survive. They ran to the coffee plantation. When they arrived, they saw that their house was already alight. SA hid with his family in the plantation from 10 pm until midnight. Throughout this time, he explains, there was 'a large-scale war between the people and GAM' (*besar-besaran perang antara masyarakat sama GAM*).

The villagers who were hiding in the plantation wanted to call the subdistrict military command [Koramil], SA says, but they weren't 'brave enough' because they 'didn't have the correct equipment' [presumably weapons to escape or means of communication]. They also weren't brave enough to call the subdistrict police command [Kapolsek] because they assumed the command wouldn't have enough men even if they were called. They also couldn't call the district military command [Kodim], SA explains, because they didn't have any transport. In the end, the villagers were forced to try to save themselves. At 12.30 am, SA left the plantation and saw that his house had been reduced to ashes. Four men and a boy had been killed.

At the time of the attack, SA explains, the villagers only had homemade guns, while 'those people' (*orang itu*) [the attackers] had automatic weapons. After three days, the surviving villagers were forced to move to a different mosque [in a different village] where they received 'aid from the military' (*bantuan dari tentara*).

'At that time', SA states, 'we didn't know what the motive was behind the attack'. 'At first', SA continues, 'we didn't know why Javanese villages (*desa orang Jawa*) were being attacked'. After the attack, SA says, the surviving villages formed a 'militia' (*milisi*) to defend themselves.

While ATP and SA both claim that Village E was attacked by 'unknown people', it is also clear they understand that it was GAM who attacked their village, based on the further descriptions they give of the attack. This important information provides context and includes a description of the language used by the attackers. ATP recalls how the attackers spoke 'Acehnese'. This observation suggests that the attackers were either GAM or GAM sympathisers. As Human Rights Watch has observed, GAM treated strangers who could not speak Acehnese as military spies.⁷⁶ Meanwhile, the military considered the public use of Acehnese by civilians to indicate pro-separatist sentiment.⁷⁷

SA is even more explicit. He slips from describing the attackers as 'unknown people' to explaining that the attack amounted to a war between 'the people and GAM'. He also suggests that the villagers would have called on the military and police for protection if they could have, then reports that the military provided villagers with aid after the attack. Meanwhile, SA proposes that Village E was attacked because it was a 'Javanese village', with the implication that the population of Village E were, themselves, Javanese. As has been discussed above, Javanese villages (and Aceh's ethnic Javanese population in general) were targeted for attack by GAM. Such attacks increased in frequency during the early 2000s, when the attack against Village E occurred.

SA also explains that, as a result of the attack, the villagers formed a 'militia' to protect themselves in the future. The establishment of pro-military militias became a 'central element' of the military's counterinsurgency strategy in the province from the early 1990s.⁷⁸ While mandatory night watch duty (*jaga malam*) allowed the military to mobilise civilians to act in a defensive capacity by monitoring suspicious activities at the village level,⁷⁹ military-sponsored militia groups engaged in offensive actions. These militia groups were 'closely coordinated and under the command structure' of the military.⁸⁰ They also had the benefit of providing the appearance of popular support for the military.

76 Human Rights Watch, 'The War in Aceh,' 23.

77 Human Rights Watch, 'Aceh under Martial Law,' 5.

78 Kell, *Acehnese Rebellion*, 75.

79 Both testimonies describe the attack as having begun when many of the adult males from the village were on night watch duty, a fact which may have, ironically, made it easier for the attackers to approach the houses in the village to set them alight.

80 KontraS Aceh and The Aceh Institute, *Draf Buku Anatomi Konflik Gayo*, 30.

As in the two above recorded cases from Village C, it is only possible to speculate as to why ATP and SA denied knowing who was responsible for the attack on Village E, while simultaneously including such detailed contextual information in their testimonies. As in the case of Village C, ATP and SA may have been afraid for their safety. Like the military, former GAM members have also engaged in the intimidation of civilians since the 2005 peace agreement.⁸¹

It is, of course, also possible that ATP and SA are mistaken. The attack may have been 'made to look' like an attack by GAM. It is known that the military and its proxies did engage in 'fake GAM activity' as part of its counterintelligence and psychological warfare operations.⁸² A possible reason for a fake GAM attack on a Javanese village may have been to encourage civilians to join a pro-military militia like the one that SA states was established in Village E.⁸³ Either way, the attack helped to boost antiseparatist sentiment in the village. Further corroboration is required to reach a more definitive answer.

Similar tell-tale evidence about the identity of perpetrators of OTK attacks can be found in the remaining 36 testimonies from Bener Meriah. However, the strongest information comes from clusters of testimonies describing the same event. This is because the stated facts can be compared and partially verified, while claims of ignorance can often be shown to be misleading. Yet, a more complete verification of the information found in these testimonies cannot be achieved without the ability to triangulate this data. This can be achieved by comparing multiple, independently given testimonies of the same event against formal records, including military logs, local government records and contemporaneous newspaper reporting. The collection and analysis of such formal records should be a priority of the KKR Aceh.

81 Human Rights Watch, 'The War in Aceh,' 3.

82 Davies, *Indonesia's War over Aceh*, 197.

83 The military routinely encouraged non-Acehnese and Javanese transmigrants to join pro-military militia groups. See World Bank, 'Multi-Stakeholder Review of Post-conflict Programming in Aceh: Identifying the Foundations for Sustainable Peace and Development in Aceh,' *World Bank Document* 55603 v2, Banda Aceh, December 2009: 20, documents1.worldbank.org/curated/en/716601468259763959/pdf/556030WP0v20Bo110Report0MSR0English.pdf.

Conclusion

This chapter has drawn on the 42 eyewitness testimonies collected by the KKR Aceh in Bener Meriah between 2016 and 2019 to assess what it is possible to know about the identity of OTK attackers and their objectives during the Aceh conflict, using Bener Meriah as its case study. It has shown that while eyewitnesses often describe attacks as being perpetrated by 'unknown people', they often provide important contextual information that can yield critical clues about the identity and objectives of their attackers.

The two main sets of testimonies examined here, from Village C and Village E, show two very similar patterns of attacks, which, upon further examination, appear to have been carried out by different sides in the conflict: the Indonesian military and GAM, respectively. That these adversaries should both choose to attack, and perpetrate gross human rights violations against, Aceh's civilian population in such a manner is, sadly, not without historical precedent. As this chapter has documented, the Indonesian military has exploited ethnic and intergroup tensions in Aceh since the 1950s. This tactic has been particularly acute in Bener Meriah due to its large transmigrant population. Since this time, the military has routinely switched between supporting (during the Darul Islam rebellion) and attacking (during the 1965–66 genocide) Aceh's ethnic Javanese community.

Meanwhile, GAM, which views itself as a 'successor movement' to the Darul Islam rebellion,⁸⁴ has consistently targeted Aceh's ethnic Javanese community, which it has portrayed as a proxy for the central government. This weaponisation of ethnic and intergroup tensions by both sides in the Aceh conflict has contributed to feelings of deep mistrust in the community and to an attitude that feigned ignorance is often protective.

However, while this initial collection of eyewitness testimonies may give the impression that such attacks were equally carried out by both pro-government and pro-GAM forces during the Aceh conflict, this observation is misleading. According to data presented in the KKR Aceh's final report, only roughly 10 per cent of all cases of enforced disappearances between 1999 and 2002 are reported to have been perpetrated by GAM. By contrast, during the same period, nearly half of all cases are reported to

84 Aspinall, 'From Islamism to Nationalism,' 252–56.

have been perpetrated directly by Indonesian military and police personnel. Approximately one-third of all cases are reported to have been perpetrated by 'unknown' and 'anonymous' perpetrators. This information was not available before late 2021. However, it confirms that the majority of OTK attacks perpetrated during the 1999–2002 period were perpetrated by pro-government forces.

The central role of the military in OTK attacks has long been suspected. As outlined above, Amnesty International was 'unequivocal' about attributing the majority of OTK attacks to the Indonesian military, while Human Rights Watch also identified the Indonesian military as being 'primarily responsible' for OTK attacks during the time of the Aceh conflict. Indeed, these attacks appear to have remained largely one-sided until the early 2000s, when GAM is reported to have begun regularly carrying out its own OTK attacks.⁸⁵

The KKR Aceh's initial eyewitness testimonies from Bener Meriah provide an invaluable resource with which to reveal the complicated truth of past human rights violations during the Aceh conflict. The revealing of these previously hidden truths can also help to facilitate reconciliation. However, to fulfil its mandate, the KKR Aceh must not only record the various human rights violations that occurred during the time of the conflict, but also establish the identity of the different perpetrator and victim groups involved. This task is difficult, but not impossible. It will require the KKR Aceh to focus on collecting further contextual information from eyewitnesses, as well as prioritising efforts to gain access to official government and military records from the time of the conflict, as a means to corroborate the information contained in its already steadily growing archive of eyewitness testimonies.⁸⁶ At the time of writing, the KKR Aceh's entire collection of eyewitness testimonies stands at 5,785 statements across 13 districts.⁸⁷

85 According to data presented in the KKR Aceh's Final Report, the period between 1999 and 2002 saw the highest number of reported cases of enforced disappearances of the entire conflict (1976–2005), and many of these were connected to OTK attacks.

86 Should this corroboration prove impossible, the KKR Aceh will be forced to rely on the argument that reparations for victims, including monetary compensation, and access to medical, psychological and social assistance, should not be dependent on the identification of perpetrators.

87 'Refleksi Perjalanan 4 Tahun KKR Aceh,' *KKR Aceh*, 24 October 2020, kkr.acehprov.go.id/berita/kategori/news/refleksi-perjalanan-4-tahun-kkr-aceh.

The KKR Aceh is currently faced with the critical challenge of identifying those responsible for the perpetration of human rights abuses during the Aceh conflict. Neither the Indonesian military nor GAM have faced any real consequences for their involvement in the perpetration of these gross human rights violations. They have little incentive to voluntarily provide this information to the commission. Meanwhile, the very act of naming known perpetrators continues to place eyewitnesses at potential risk of revictimisation.

While the KKR Aceh has felt compelled to insist that it does not intend to 'open up old wounds',⁸⁸ it is difficult to see how the KKR Aceh can fulfil its mandate of 'revealing the truth about past human rights abuses' without breaking through this barrier to truth-telling. It is in this context that the KKR Aceh's investigation into OTK attacks becomes an important barometer of how far Indonesia's first truth and reconciliation commission has come in its mission to question and rewrite official narratives of the conflict.

88 See, for example, 'Refleksi Perjalanan 4 Tahun KKR Aceh'.

8

Memorialisation in the absence of justice in Aceh

Sri Lestari Wahyuningroem and Hendra Saputra

‘Mak ... jak woe yuk [Mum ... let’s go home],’ Saddam Husen said, as he pulled on his mother, Fauziah Ibrahim’s, hand. His words haunt her to this day. ‘How can I forget? I didn’t do what Saddam Husen asked, and because of that I lost him forever.’¹

Saddam Husen was just seven years old when he and his mother, Fauziah, stopped to watch a crowd protesting against the Indonesian military’s use of violence against suspected Gerakan Aceh Merdeka (GAM, Free Aceh Movement) separatists. The date was 3 May 1999. When Saddam asked to go home, Fauziah chose to stay to watch and, minutes later, the Indonesian military shot blindly into the crowd, killing Saddam and at least 22 other people. Eleven years later, on 3 May 2010, various non-government organisations (NGOs) and families of victims of the ‘Simpang KKA shooting’,² as it came to be known, commemorated the tragedy with an initiative held to hear civilians’ side of the story. Fauziah shared her testimony, bravely pushing through her fear and trauma to talk about the pain and loss that she had suffered for over a decade.

1 Komisi Pengungkapan Kebenaran Aceh (KPK Aceh), ‘Peringatan 11 Tahun Tragedi Simpang KKA, Dengan Semangat Pemenuhan Keadilan bagi Korban Pelanggaran HAM Wujudkan Komisi Kebenaran dan Rekonsiliasi (KKR) di Aceh,’ Banda Aceh, 30 April 2010. This chapter was prepared with translation assistance from Jen Plaistowe.

2 ‘Simpang KKA’ refers to the location of the massacre, at the intersection (*simpang*) in front of the Kertas Kraft Aceh (KKA) factory in Dewantara, North Aceh.

This memorialisation initiative, held five years after the 2005 Helsinki Peace Agreement, offered a space for truth-telling related to the human rights violations committed during the conflict between GAM and the Indonesian National Armed Forces. At the time, peace was still in its infancy. Various items on the transitional justice agenda had been coopted for the promotion of factional interests, becoming part of a tug-of-war between GAM elites and the Indonesian government. Jiwon Suh has attempted to explain why transitional justice mechanisms in Aceh, such as the establishment of two human rights courts and the Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh, Aceh Truth and Reconciliation Commission), were so difficult to realise, despite both sides having agreed to them. Her analysis concludes that transitional justice, as outlined in the Helsinki Peace Agreement, consisted of nothing more than 'pre-emptive policies' designed to prevent the establishment of 'tougher' mechanisms such as a national human rights court, and to undermine GAM's goal of seceding from Indonesia.³

When official efforts for truth and justice in Aceh stalled, civil society began to push for various transitional justice initiatives, including memorialisation. In its general usage, 'memorialisation' refers to:

a physical representation or activity conducted in a public space to remember a specific event that happened in the past (e.g., a war, conflict, or incident involving serious human rights violations), or to commemorate individuals who were involved in a specific event (e.g., soldiers, combatants, victims, political leaders or activists).⁴

As part of a transitional justice approach, memorialisation is understood to contribute to symbolic and collective reparations.

Since the end of the Aceh conflict, civil society has set memorialisation in motion, building several commemorative structures, including the Simpang KKA commemoration memorial in North Aceh,⁵ the Jambo Keupok Incident memorial in South Aceh, the Krueng Suri Massacre memorial in Aceh Jaya and the Rumoh Geudong memorial in Pidie. This chapter will examine the Simpang KKA and the Rumoh Geudong commemorative structures.

3 Jiwon Suh, 'Preemptive Transitional Justice Policies in Aceh, Indonesia', *Southeast Asian Studies* 4, no.1 (2015): 95–124, doi.org/10.20495/seas.4.1_95.

4 Farida Shaheed, *Report of the Special Rapporteur in the Field of Cultural Rights, Farida Shaheed: Memorialization Processes*, United Nations Human Rights Council (Geneva: United Nations, 23 January 2014), 3–4, digitallibrary.un.org/record/766862?ln=en.

5 Simpang KKA (Simpang Kertas Kraft Aceh, Aceh Kraft Paper [mill] Junction).

The Simpang KKA memorialisation initiative was started by victims and survivors of this event and supported by human rights organisations in 2010. The pathway to memorialisation was long and dynamic because the same public spaces that were meaningful for victims' families were meaningful for other parties with a different narrative. In addition, the process of listening to testimonies by survivors was conducted outside of an official setting, such as a truth and reconciliation commission, even though it involved both community and government figures. This initiative was a means by which civil society could push the Acehese government to establish a truth and reconciliation commission, as mandated by the Helsinki Peace Agreement.⁶

The Rumoh Geudong memorial, unveiled in Pidie on 12 July 2018, was an important reminder of the fact that the Indonesian military had used the large house that originally stood on the site – before it was burned down in mysterious circumstances in 1998 – as a torture site.⁷ It was also a place where many women had been sexually abused and enslaved.⁸ Women's experiences, narratives and memories have become a core part of this memorialisation initiative.

This chapter asks: How can the presence of memorialisation in Aceh be interpreted while truth and the acknowledgement of past human rights violations remain elusive? How does this memorialisation serve victims and the community? How does this process of memorialisation interact with the mandate and role of the KKR Aceh? Moreover, how have the local community and other groups involved in the conflict responded to these memorialisation initiatives, considering that truth has yet to be established?

We, the authors of this chapter, were involved in both the Simpang KKA and Rumoh Geudong memorialisation initiatives. As such, we have adopted a participatory approach in exploring these research questions. We have relied on information gathered through direct observation and interviews, as well as information presented in relevant reports and publications.

6 'Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement,' signed by Hamid Awaludin, on behalf of the Government of the Republic of Indonesia, and Malik Mahmud, on behalf of the Free Aceh Movement, Helsinki, Finland, 15 August 2005, acehpeaceprocess.net/pdf/mou_final.pdf.

7 Reza Idria and Azhari Aiyub, 'Rumoh Geudong: Ingatan Korban dan Umur Panjang Kekejian,' *Tirto*, 11 April 2017, tirto.id/rumoh-geudong-ingatan-korban-dan-umur-panjang-kekejian-cmwr.

8 PASKA Aceh, 'Menguak Misteri Rumoh Geudong,' (blog), 8 June 2017, 1, paska-aceh.or.id/2017/06/08/menguak-misteri-rumoh-geudong/.

Our main finding is that, in the context of Aceh, memorialisation is a means by which victims and other community members can challenge official narratives that marginalise their experiences, redefining history in a way that acknowledges the injustices they have endured. Memorialisation is taking place, despite the fact that a formal reassessment of official narratives of these events has yet to occur.⁹ Memorialisation is, in essence, a way for victims and civil society to tell the truth and to achieve justice, symbolically and collectively. Seen through another lens, it contributes to a broader movement for transitional justice, building momentum for collective remembering. Put simply, memorialisation is an opportunity to bring survivor narratives in Aceh to the surface. Memorialisation has not made its way into official forums and has yet to make its way into KKR Aceh sessions because, as stipulated in the *Qanun* (provincial legislation of Aceh) of the KKR Aceh, the commission's only mandate is for urgent reparations, rather than for the symbolic and collective reparations that drive memorialisation.¹⁰ We therefore argue that state-sponsored mechanisms and civil society actors need to find a way to break through the inertia so that memorialisation can play a role in truth-telling initiatives and offer survivors and victims' families a more comprehensive suite of reparations.

Transitional justice and memorialisation

For the most part, studies of memorialisation can be found in the fields of sociology and transitional justice. These two fields, while often overlapping, differ in one core respect in discussions of memorialisation. Sociology focuses on processes carried out by communities affected by conflict to remember a past event or period of their history.¹¹ An example of this would be the installation of memorials to commemorate certain individuals from the community. The significance of these memorialisation initiatives is constantly evolving, depending on the sociopolitical environment and collective goals of the community or nation. The fact that they are so dynamic means that it is often difficult for researchers to identify the motivations of different communities wishing to present their narratives

9 Idria and Aiyub, 'Rumoh Geudong'.

10 Herlambang P. Wiratraman et al., 'Taking Policy Seriously: What Should Indonesian Government Do to Strengthen Aceh Truth and Reconciliation Commission?', *PETITA: Jurnal Kajian Ilmu Hukum dan Syariah* 5, no. 1 (2020): 14–32, doi.org/10.22373/petita.v5i1.93.

11 Carla De Yeaza and Nicole Fox, 'Narratives of Mass Violence: The Role of Memory and Memorialization in Addressing Human Rights Violations in Post-conflict Rwanda and Uganda,' *Societies without Borders* 8, no. 3 (2013): 346, scholarcommons.law.case.edu/swb/vol8/iss3/2.

in line with their interests.¹² In these cases, control of public memory is not limited to narratives about war heroes but expands to explore fighting, political resistance and mass violence.¹³

On the other hand, transitional justice conceptualises ‘memorialisation’ as a community effort to address a legacy of mass violence in the wake of conflict.¹⁴ Memorialisation is part of a framework of judicial and nonjudicial actions, initiated by the state to address a legacy of mass violence from its past.¹⁵ Where sociological studies seek to identify a range of underlying motivations driving memorialisation, transitional justice studies assume that memorialisation initiatives share a common goal: namely, to collectively address past human rights abuses in order to restore dignity for victims and their families, and to ensure that the injustices are never repeated. This chapter adopts an approach that is more in line with transitional justice studies.

Lia Kent has examined two cases in which memorialisation was driven by civil society: Simpang KKA (Aceh) and Liquiçá (Timor-Leste). She emphasises that memorialisation in both cases has served as a type of ‘memory activism’, in which efforts to promote and organise initiatives for collective commemoration have been coopted to influence debate and play to certain interests.¹⁶ As examples of memory activism, these initiatives depended heavily on local politics specific to the region, and on global ideas and practices around transitional justice.

Memorialisation serves various functions in a transitional justice framework.¹⁷ Memorialisation offers symbolic reparations to victims, functions to strengthen reconciliation efforts, serves to educate the public

12 De Yeaza and Fox, ‘Narratives of Mass Violence,’ 346.

13 See, for example, Paloma Aguilar, ‘Collective Memory of the Spanish Civil War: The Case of the Political Amnesty in the Spanish Transition to Democracy,’ *Democratization* 4, no. 4 (1997): 88–109, doi.org/10.1080/13510349708403537; W. James Booth, *Communities of Memory: On Witness, Identity, and Justice* (Ithaca: Cornell University Press, 2006), doi.org/10.7591/9781501726866; Ronit Lentin, ‘Memories for the Future,’ *International Sociology* 24, no. 2 (2009): 173–84, doi.org/10.1177/0268580908101064; Ron Eyerman, ‘The Past in the Present: Culture and the Transmission of Memory,’ *Acta Sociologica* 47 (2004): 159–69, doi.org/10.1177/0001699304043853; James E. Young, *The Texture of Memory: Holocaust Memorials and Meaning* (New Haven: Yale University Press, 1993).

14 De Yeaza and Fox, ‘Narratives of Mass Violence,’ 347.

15 De Yeaza and Fox, ‘Narratives of Mass Violence,’ 347.

16 Lia Kent, ‘Transitional Justice and the Spaces of Memory Activism in Timor-Leste and Aceh,’ *Global Change, Peace and Security* 31, no. 2 (2019): 181–199, doi.org/10.1080/14781158.2019.1588870.

17 Judy Barsalou and Victoria Baxter, *The Urge to Remember: The Role of Memorials in Social Reconstruction and Transitional Justice* (Washington, CD: United States Institute of Peace, 1 January 2007), 3, usip.org/publications/2007/01/urge-remember-role-memorials-social-reconstruction-and-transitional-justice.

about the past, and creates space for expressions of individual grief and collective commemorative rituals surrounding past events and victims. It encapsulates efforts to safeguard survivors' memories through the establishment of museums, rituals and other symbolic initiatives, such as the naming of a public space after an individual.¹⁸ In addition, as a form of symbolic reparation, memorialisation plays an important role in building collective memory and a consensus on historical events, strengthening solidarity and raising civic engagement.¹⁹

Most transitional justice studies view memorialisation as a state-sponsored mechanism, embedded in a broader transitional justice process.²⁰ There has been less focus on memorialisation initiatives operating outside official mechanisms – these initiatives can contradict, or even fight, the narratives presented in state-sanctioned mechanisms. It is this gap in the literature that led us to examine the Simpang KKA and Rumoh Geudong cases in Aceh: how should we interpret memorialisation initiatives in cases where truth and acknowledgement of injustice remains elusive? We hope that our analysis and findings will broaden our understandings of memorialisation and render this chapter a meaningful contribution to the field of transitional justice.

While memorialisation offers many potential benefits to society, it also faces a range of hurdles from the outset. One challenge is that there is a limit to the extent to which all parties or community groups involved in a conflict can be satisfied.²¹ Symbolic reparations are never able to completely make up for the loss or injustice experienced by victims, who are themselves a heterogeneous group, with individual needs that may deviate from those of the broader group.

Another challenge is that the narrative presented by one party can marginalise narratives presented by other groups or even invalidate minority groups' narratives in the context of a community's history. According to Ereshnee Naidu-Silverman, various memorialisation initiatives have gone as

18 Barsalou and Baxter, *The Urge to Remember*, 4.

19 Pablo de Greiff, 'Introduction,' in *The Handbook of Reparations*, ed. Pablo de Greiff (Oxford: Oxford University Press, 2006), 1–20, doi.org/10.1093/0199291926.001.0001.

20 de Greiff, 'Introduction,' 1–20.

21 See, for example, John Torpey, *Making Whole What Has Been Smashed: On Reparations Politics* (Cambridge: Harvard University Press, 2006); Brandon Hamber, 'Narrowing the Micro and Macro: A Psychological Perspective on Reparations in Societies in Transition,' in *The Handbook of Reparations*, ed. Pablo de Greiff (Oxford: Oxford University Press, 2006), 560–88, doi.org/10.1093/0199291926.001.0001.

far as attempting to harness collective memory through narratives that pick at racial or factional animosity and strengthen identity differences between groups.²² In these cases, memorialisation has sought to present an absolute version of history that can often reinforce an ‘us-versus-them’ distinction to create villains, acknowledge victims’ experiences and prioritise a certain ideology. Those with the power to write history use the space made available through memorialisation for political gain. Here we discuss these challenges in the context of Aceh, specifically, in terms of the Simpang KKA and Rumoh Geudong memorialisation initiatives.

In Aceh, when the government delayed the establishment of the KKR Aceh, civil society groups organised memorialisation initiatives to remind the public and the government about the abuses that had been inflicted on community members and to demand that those responsible be held to account.²³ These memorialisation initiatives aimed to acknowledge victims and survivors, and to teach younger generations about past events to ensure they would not be repeated. Going public was a successful strategy and, as it gained momentum, growing numbers of survivors and members of various victims’ communities chose to participate in these memorialisation initiatives.

The Simpang KKA memorial

The Simpang KKA shooting occurred on 3 May 1999 in Dewantara, North Aceh, at an intersection (*simpang*) in front of the Kertas Kraft Aceh (KKA) factory. The incident began when misinformation circulated that a member of the Pulo Runkon Air Defence Artillery Missile Detachment 001, Sersan Adityawarman, had been captured by ‘unknown people’²⁴ on 1 May 1999.²⁵ This happened to be an Islamic holy day (Muharam 1). The military responded by sending three truckloads of Air Defence Artillery Missile Detachment 001 troops, who combed through the nearby villages of West

22 Ereshnee Naidu-Silverman, ‘Mayibuye! Let Us Reclaim! Assessing the Role of Memorialization in Post-conflict Rebuilding’ (PhD diss., City University of New York, 2014), academicworks.cuny.edu/gc_etds/456/; de Greiff, ‘Introduction,’ 1–13.

23 Amnesty International, *Time to Face the Past: Justice for Past Abuses in Indonesia’s Aceh Province* (London: Amnesty International, 18 April 2013), ASA 21/001/2013, 28–29, amnesty.org/download/Documents/12000/asa210012013en.pdf.

24 For a discussion of the term ‘unknown people’ as used during the Aceh conflict, see Chapter 7 of this volume.

25 Komisi Nasional Hak Asasi Manusia (Komnas HAM), *Ringkasan Eksekutif: Laporan Penyelidikan Pelanggaran HAM yang Berat Peristiwa Simpang KKA Aceh*, 17 June 2016, 3, [komnasham.go.id/files/-ringkasan-eksekutif-laporan-penyelidikan-\\$TKDGTy.pdf](http://komnasham.go.id/files/-ringkasan-eksekutif-laporan-penyelidikan-$TKDGTy.pdf).

Lancang and Cot Murong on 2 May 1999. The military conducted violent interrogations of residents, which, in turn, caused residents to protest in their thousands.

This confrontation continued to escalate and exploded two days after the alleged abduction, when Defence Artillery Missile Detachment 001 personnel pointed their weapons at locals and fired upon them for at least 20 minutes. Troops from Battalion 13 then stepped in and conducted a follow-up operation.²⁶ Twenty-three civilians died and 30 were injured during the incident.²⁷ Community estimates of these numbers are even higher, with 46 adults and children believed to have been killed.²⁸ These figures do not include those who were tortured or forcibly disappeared at this time. The Komisi Nasional Hak Asasi Manusia (Komnas HAM, Indonesian Human Rights Commission) categorised these violations as crimes against humanity because they were 'part of a widespread, systematic attack, in which weapons were aimed directly at civilians'.²⁹

On 3 May 2011, 11 years to the day after the shooting, and almost five years after the Helsinki Peace Agreement, a group called the Komunitas Korban Pelanggaran HAM Aceh Utara (K2HAU, North Aceh Human Rights Victims' Community) and other civil society groups facilitated a 'public hearing'.³⁰ The event was in line with the truth-telling model outlined in the KKR Aceh's draft legal framework. More than 1,000 people attended the event, which was held publicly and gave a mandate to a 'commissioner', who represented civil society. Khairani Arifin, a law lecturer from Syaih Kuala University, was selected to be the commissioner, with Fajran Zain, a researcher from the Aceh Institute, as his 'deputy'. The commission members were Liza Dayani (the coordinator of the Koalisi Pengungkapan Kebenaran Aceh [KPK Aceh, Coalition for Truth-Telling in Aceh]), Nurjubbah (a civil rights activist), and Hendra Fadli (the coordinator of KontraS Aceh, Komisi untuk Orang Hilang dan Korban Tindak Kekerasan Aceh, Commission for the Disappeared and Victims of the Violence in Aceh). Six survivors gave their testimonies during the event: Syamsul Bahri, Halimah, Fauziah Ibrahim, Rosmiati, Hasanah and Rusli. Several representatives of local authorities also attended.

26 Komnas HAM, *Ringkasan Eksekutif*, 4.

27 Komnas HAM, *Ringkasan Eksekutif*, 5.

28 KPK Aceh, 'Peringatan 11 Tahun Tragedi Simpang KKA'.

29 Komnas HAM, *Ringkasan Eksekutif*, 5.

30 KPK Aceh, 'Peringatan 11 Tahun Tragedi Simpang KKA'.

Edi Asmara, adviser to the North Aceh district head, attended on behalf of the district head, and responded to the process and to survivors' testimonies. He followed normal protocols in endorsing the event, reinforcing the need for a comprehensive investigation to prevent a repeat of past events. Jamaluddin Jalil, the head of the North Aceh Dewan Perwakilan Rakyat Kabupaten/Kota (DPRK, People's District/City Representative Council) also offered his support and promised that he would push the Dewan Perwakilan Rakyat (DPR, People's Representative Council) to issue draft legislation as a priority for 2010.³¹ Following the testimonials, the event closed with the placement of the first stones of what would become the Simpang KKA memorial. The first stones were placed by a representative of the North Aceh district government, a member of the North Aceh DPRK and a representative of the victims' community.

The Simpang KKA memorial was Aceh's first community-led memorialisation initiative for the 1976–2005 Aceh conflict. It was able to proceed because the victims' community in that area was ready at a time when other victim communities were not. Victims had been provided with systematic support from various groups that had been active since the end of the conflict and were able to show other victims of human rights abuses what a truth-telling mechanism might look like if set up and run through the KKR Aceh. KontraS Aceh viewed the process of listening to victims' testimonials around the KKA Simpang tragedy as a way of encouraging Acehnese society to support the establishment of the KKR Aceh.³²

The Rumoh Geudong memorial

It was common for the Indonesian military to use local buildings such as schools, offices and even residential homes as torture sites during the Aceh conflict. A well-known torture site was the Rumoh Geudong house, which was located in Bili Arun Village, Glumpang Tiga, in Pidie, northern Aceh. 'Rumoh Geudong' is a local term used to refer to the stately homes owned by Aceh's traditional aristocratic elite (*uleebalang*). During the Japanese occupation (1942–45), these houses were used as sites of resistance and

31 Komisi untuk Orang Hilang dan Korban Kekerasan [Commission for the Disappeared and Victims of Violence] (KontraS), *Compang-Camping: Hak Asasi Sepanjang 2011*, Jakarta, 2011, 23, kontras.org/wp-content/uploads/2019/07/annual-report-2011-dikompresi.pdf.

32 Telephone interview with Murtala, founder of K2HAU, who initiated the event, 4 May 2021.

consolidation for *uleebalang*-led opposition to Japanese rule. They were later used by the Indonesian military during the Aceh conflict as command posts, mainly as posts for tactical units, which were positioned in strategic locations to isolate GAM units.³³

The house referred to here as Rumoh Geudong, located in Bili Arun, had long been abandoned by its owners, who were apparently unaware that it had been used as an Indonesian military post since 1990.³⁴ It became a notorious torture site, as recorded in a report issued by the nonprofit organisation Pengembangan Aktivitas Sosial Ekonomi Masyarakat Aceh (PASKA Aceh, Aceh Centre for Social and Economic Activity), that focuses on the empowerment of victims of the Aceh conflict through the development of social and economic activities.³⁵ The site was subsequently destroyed by fire in mysterious circumstances. On 21 August 1998, a joint fact-finding team led by Baharuddin Lopa from Komnas HAM visited the house to gather evidence of the extensive crimes alleged to have occurred there.³⁶ Just 15 minutes later, a mob burned the building and its surrounding structures to the ground. The motivation for this arson attack remains unclear. While it has been proposed that the building may have been destroyed to prevent the house from ever being used again as a military torture site, it has also been argued that the fire may have been lit to destroy evidence of the torture conducted there.³⁷

Komnas HAM recorded 378 murders, 168 cases of false imprisonment or arbitrary deprivation of physical freedom, 193 instances of torture, 569 assaults, 14 rapes and 168 forced disappearances at the site.³⁸ These findings were corroborated by a follow-up investigation conducted by the 'Rumoh Geudong and Tactical Strategic Unit Post Pro Justitia Investigations Team'

33 In 1989, the Indonesian government declared Aceh a Daerah Operasi Militer (DOM, Military Operations Zone); see Chapter 1 of this volume. In the chapter on torture in the KKR Aceh's final report, there is a discussion of Rumoh Geudong and a range of similar buildings taken over and used by the Indonesian military as torture and unlawful detention sites during the conflict.

34 Interview with Farida Haryani, Medan, 18 November 2018.

35 PASKA Aceh, 'Menguak Misteri Rumoh Geudong,' (blog), 8 June 2017, 1, paska-aceh.or.id/2017/06/08/menguak-misteri-rumoh-geudong/.

36 The Joint Fact-Finding Team consisted of both bureaucrats and NGOs. It was formed by Indonesia's then president Baharudin Jusuf Habibie. See Amnesty International, *Time to Face the Past*, 16.

37 Interview with Farida Haryani, Medan, 18 November 2018.

38 Komisi Nasional Hak Asasi Manusia (Komnas HAM), 'Keputusan Ketua Komnas HAM No.018/Komnas HAM/XI/2013 tertanggal 8 November 2013 tentang Pembentukan Tim *Ad Hoc* Penyelidikan Pelanggaran Hak Asasi Manusia yang berat di Provinsi Aceh,' Jakarta, 2013, 13–14.

established by Komnas HAM in 2017. Its report was sent to the Attorney-General's Office (AGO) on 28 August 2018.³⁹ However, the AGO has failed to follow up on this report and most of Komnas HAM's other reports.⁴⁰

PASKA Aceh has long supported conflict victims in Pidie, including those who experienced torture and sexual violence at Rumoh Geudong. This has included initiatives to support victims in their recovery and to enable truth-telling, such as prayer sessions and memorialisation efforts at the Rumoh Geudong site.⁴¹ These initiatives were endorsed by the Jakarta-based Indonesian NGO Asia Justice and Rights (AJAR), and several other NGOs such as KontraS Aceh, at a joint prayer session and ceremony to place the first stone of the Rumoh Geudong monument on 23 March 2017.⁴² Unfortunately, this initiative was not supported by the family who owned the land on which the Rumoh Geudong had been built. The head of PASKA Aceh, Farida Haryani, has explained that despite efforts to get in touch with the family, they failed to obtain permission to erect a monument on the site itself.⁴³ Following the placement of the first stone, the process stalled, and what should have been the beginning of the construction of the Rumoh Geudong monument turned into an effort to revise these original plans.

One year later, on 12 July 2018, authorisation was finally granted to build a monument. However, the groups involved were forced to choose a different location for the monument. Instead of being located on the site of the former building, the monument was built on the side of the road at the corner of the land formerly occupied by the building. As in the case of the Simpang KKA memorialisation event, local authorities were involved in the Rumoh Geudong memorialisation initiative, including the Pidie district head and members of the DPR.⁴⁴ Civil society groups, most notably NGOs, also attended the memorialisation initiative, along with representatives from the KKR Aceh.

39 Kabar Latuharhary, 'Kesimpulan Penyelidikan Komnas HAM atas Peristiwa Rumah Geudong dan Pos-pos Sattis Lainnya di Aceh', *Komnas HAM News*, 6 September 2018, komnasham.go.id/index.php/news/2018/9/6/608/kesimpulan-penyelidikan-komnas-ham-atas-peristiwa-rumah-geudong-dan-pos-pos-sattis-lainnya-di-aceh.html.

40 On the refusal by the Indonesian Attorney-General's Office to carry out criminal investigations arising from various reports submitted by Komnas HAM in the last two decades, see Ken Setiawan, 'From Hope to Disillusion: The Paradox of Komnas HAM, the Indonesian National Human Rights Commission,' *Bijdragen tot de Taal-, Land- en Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 172, no. 1 (2016): 1–32, doi.org/10.1163/22134379-17201002.

41 PASKA Pidie, 'Menguak Misteri Rumoh Geudong,' 1.

42 Interview with Farida Haryani, Medan, 18 November 2018.

43 Interview with Farida Haryani, Medan, 18 November 2018.

44 PASKA Pidie, 'Menguak Misteri Rumoh Geudong,' 1.

The 2018 commemoration saw increased participation from key Indonesian human rights groups that had not previously been involved in memorialisation events in the province, such as Komnas HAM, Komisi Nasional Anti Kekerasan Terhadap Perempuan (Komnas Perempuan, Indonesia's National Commission on Violence against Women) and Lembaga Perlindungan Saksi dan Korban (LPSK, Agency for the Protection of Witnesses and Victims), which attended alongside groups that had been invited in 2017.⁴⁵ More than 1,000 people were in attendance on the day, and the event was covered by local, national and international media outlets.⁴⁶ Pidie district head, Roni Ahmad, who attended the event, remarked:

This monument should be a lesson for us all to continue to do our best in developing and caring for the welfare of society. Do not forget what happened in the past, and continue to take steps towards the future; do not dissolve in sadness about the past.⁴⁷

This endorsement had a significant impact on the efforts of victims and NGOs to promote justice and acknowledgement at the grassroots level. Previously, the local community had been divided into those who supported the initiative and those who rejected it. Opposition to the initiative possibly stemmed from the trauma and fear that continues to be experienced in the community. Specifically, there is still a strong presence of security apparatus, police and ex-GAM members in the area, which was a GAM stronghold during the conflict.⁴⁸

The Rumoh Geudong memorialisation initiative was an effort to redefine how the incident was remembered and to reshape perceptions of justice in the public sphere. In an op-ed in *Serambi Indonesia*, Aceh's main daily newspaper, Otto Syamsuddin Ishak, a well-known Acehnese intellectual and the incumbent commissioner of Komnas HAM, who had been involved in investigating serious human rights abuses in Aceh, wrote:

An anomaly exists in Aceh. Throughout the duration of the 1976–2005 conflict, not a single monument was built by either side (the Indonesian government or the GAM). Not a monument to celebrate a victory, nor a monument to commemorate a burial of armed forces personnel or guerrillas following a battle.⁴⁹

45 PASKA Pidie, 'Menguak Misteri Rumoh Geudong,' 1.

46 PASKA Pidie, 'Menguak Misteri Rumoh Geudong,' 1.

47 Asia Justice and Rights (AJAR), 'Nurturing Memory through the Rumoh Geudong Monument in Aceh, Indonesia,' *AJAR*, 26 July 2018, asia-ajar.org/2018/07/26/rumoh-geudong-monument-aceh-indonesia/.

48 Interview with Farida Haryani, Medan, 18 November 2018.

49 Oleh Otto Syamsuddin Ishak, 'Monumen Jambo Keupok,' *Aceh Tribunnews.com*, 7 August 2014, aceh.tribunnews.com/2014/08/07/monumen-jambo-keupok.

This statement, made years after the conflict ended in Aceh, was based on Ishak's observation that the conflict was not commemorated publicly by survivors of the violence, but rather, by its protagonists. The physical reminders of the conflict took the form of commemorative structures erected by the Indonesian National Armed Forces during the time of the conflict.⁵⁰

The need for new narratives

Civil society-led memorialisation initiatives have played an important role in countering perpetrator-centric narratives of the conflict in Aceh. In addition to the Simpang KKA and Rumoh Geudong memorial initiatives, victims' groups have also carried out memorialisation in other locations, including Jambo Keupok in South Aceh⁵¹ and the site of the Krueng Suri Massacre in Aceh Jaya district.⁵² These new narratives were inscribed in the monuments themselves and voiced by participants at these events.

The Rumoh Geudong memorial (Figure 8.1) presents a narrative that focuses on public memory and the injustices experienced by victims.

The text of the plaque reads, in part: 'Do not bury the Truth; raise your voice, even if you don't have the words!' A similar sentiment was echoed by Rukaiyah, a victim of torture and sexual violence at Rumoh Geudong, who attended the memorialisation ceremony with her children to share her testimony. She explained that revisiting her experiences was not easy, but she hoped that her participation in the memorialisation initiative would mean that more people would hear about and understand her experiences. She observed:

It was very painful, but I stayed strong with the hope that what happened to me would be understood by the community ... I don't have to sit with this burden by myself at home. The community will feel what I suffered, and Rumoh Geudong will be immortalised as a site of torture and conflict.⁵³

50 Ishak, 'Monumen Jambo Keupok'.

51 Ishak, 'Monumen Jambo Keupok'.

52 Muhajir Juli, 'Warga Dirikan Tugu Tragedi Krueng Suri,' *The Aceh Trend*, 30 August 2017, acehtrend.com/2017/08/30/warga-dirikan-tugu-tragedi-krueng-suri/.

53 Cited in Fuad Mardhatillah, *Menata Benak Konflik Masa Lalu* (unpublished manuscript, 7 May 2017).



Figure 8.1. Rumoh Geudong memorial

Source: KontraS Aceh, 2018.

Like survivors, many human rights activists in Aceh viewed the memorialisation initiative as an exercise in truth-telling and a way to acknowledge what victims had experienced during the conflict. Survivors' narratives emerged into public consciousness, where they had previously been absent. These new narratives provided an alternate version of events to the version presented by those with the power to write history.

Farida Hayani, the director of PASKA Aceh, has stood by victims of the Aceh conflict since the 1990s, and was one of the initiators of the Rumoh Geudong memorialisation. She has observed:

This event was held to remember victims of violence at Rumoh Geudong and human rights victims across Aceh. Rumoh Geudong was witness to countless acts of violence that occurred when Aceh was a Military Operations Zone. Truthful accounts of these violent acts will be a symbolic reminder of Aceh's dark past for generations to come, hopefully preventing similar events from occurring in future.⁵⁴

A similar sentiment motivated activists to take action in the case of the Simpang KKA massacre. The Koalisi Pengungkapan Kebenaran Aceh (KPK Aceh, Coalition for Truth-Telling in Aceh), made up of civil society groups with a focus on human rights issues in Aceh, became the main agitator for a commemorative event for this incident, explaining in a press release:

Where the word 'forget' exists, there cannot be truth: the shootings occurred 11 years ago, and the victims, with bitter memories, are still crying out for justice and awaiting a response from all parts of Acehnese society. What has been achieved might seem to be enough, but victims are still waiting for the ultimate goal: justice. Survivors and families might be able to forgive their abusers, but they will never be able to forget them. The government has a responsibility to help survivors and victims' families by offering them compensation and by admitting that it mistreated its own people.⁵⁵

This statement highlights important issues that were absent from public discussion in the years following the Helsinki Peace Agreement: truth-telling, state accountability, acknowledgement of past wrongdoings, and justice and healing for victims. Civil society has pushed for the recognition

54 PASKA Pidie, 'Menguak Misteri Rumoh Geudong,' 1.

55 KPK Aceh, 'Peringatan 11 Tahun Tragedy Simpang KKA.'

of these issues as a way to address the injustices experienced by victims, both during and after the conflict, declaring that justice must be the goal of Aceh's transition. A memorial to the victims of the Simpang KKA massacre has since been erected (Figure 8.2).

While victims and survivors have ideas and interests in common with human rights activists, the end goal for each group is slightly different. For survivors, memorialisation offers a symbolic reparation. It also creates a space for individual expressions of grief and collective rituals to commemorate past events and to honour those who became victims. Transitional justice approaches distinguish symbolic reparations from material reparations, with material reparations generally calculated in monetary value or an equivalent, and symbolic reparations understood as compensating for material damages and collective suffering that cannot be quantified.⁵⁶ Symbolic reparations have moral value because they aim to address the root cause of the conflict, rather than material losses that have arisen from it.⁵⁷ Symbolic reparations are generally understood as 'moral reparations', which can reduce the likelihood of history repeating itself.⁵⁸

The moral weight of memorialisation influences victims' expectations regarding material reparations, as highlighted by victims' testimonials in Aceh. During the Simpang KKA truth-telling session, one survivor said that apart from legal acknowledgement and due process, they also sought access to employment.⁵⁹ This desire was very understandable, given that survivors had lost educational opportunities, faced stigma and discrimination and found it difficult to secure employment and income to gain financial security.⁶⁰

56 Frédéric Mégret, 'The International Criminal Court Statute and the Failure to Mention Symbolic Reparation,' *International Review of Victimology* 16, no. 2 (2009): 127–47, doi.org/10.1177/026975800901600202.

57 Naomi Roht-Arriaza, 'Reparations Decisions and Dilemmas,' *Hastings International and Comparative Law Review* 27, no. 2 (2004): 157–219.

58 M. Cherif Bassiouni, 'International Recognition of Victims' Rights,' *Human Rights Law Review* 6, no. 2 (2006): 203–79, doi.org/10.1093/hrlr/ngl009.

59 For video of the event, see Komisi untuk Orang Hilang dan Korban Kekerasan [Commission for the Disappeared and Victims of Violence] (KontraS) Aceh, 'KKR Versi Masyarakat Korban Simpang KKA', filmed 5 April 2011 in Banda Aceh, 06:51–07:32, youtube.com/watch?v=jmK0c80tJw0.

60 Amnesty International, *Time to Face the Past*, 53.



Figure 8.2. Simpang KKA memorial statue

Source: KontraS Aceh, 2020.

Similar statements surfaced in testimonials on social media and in human rights reports,⁶¹ illustrating that for most survivors participating in transitional justice initiatives, symbolic reparations cannot be offered without material reparations, and vice versa. Memorialisation is not just about acknowledging victims and bringing their narratives into the public consciousness: it is also about allowing victims to articulate what they hope to receive in material reparations. This could include health care, employment, compensation, restitution – anything that could help a survivor meet their individual needs. When survivors articulate what they need, it can serve as an impetus for human rights movements to increase their pressure on the state to implement transitional justice mechanisms.⁶² If the Indonesian government takes action to assist survivors of the Aceh conflict, it will not only be honouring its Helsinki commitments but also bringing about accountability and justice that will help to reinforce peace in Aceh.

While we argue that memorialisation acts as a strategic entry point for activists' broader efforts for transitional justice, we also point out that local factors can determine the degree to which this approach will be successful. Prerequisites include whether victims have been emotionally prepared and mobilised, and whether local authorities have given their moral and political endorsement. In the case of the Simpang KKA memorial (Figure 8.2), time was needed for survivors to heal, and for the rallying of survivors and families.

KontraS Aceh and various NGOs relied on pre-existing relationships with a number of survivors of the Simpang KKA shooting to form their own community, the K2HAU (North Aceh Human Rights Victims Community). It was only after K2HAU had been established that planning began for a memorialisation initiative, and that various victims were approached and asked to share their memories of abuse.⁶³ Organisers helped victims to prepare emotionally for the memorialisation initiative, inviting them to participate in group activities and counselling, regardless of whether or not they were planning on sharing their memories in the format of official testimonies. Feminist organisations Pekka and PASKA Aceh conducted a similar process leading up to the Rumoh Geudong memorialisation.

61 Amnesty International, *12 Tahun Korban Konflik Aceh Menanti Kebenaran, Keadilan dan Reparasi Penuh* (Jakarta: Amnesty International, 15 August 2017), [amnesty.id/12-tahun-korban-konflik-aceh-menanti-kebenaran-keadilan-dan-reparasi-penuh/](https://www.amnesty.id/12-tahun-korban-konflik-aceh-menanti-kebenaran-keadilan-dan-reparasi-penuh/).

62 Interview with Farida Haryani, Medan, 18 November 2018.

63 Telephone interview with Murtala, 4 May 2021.

PASKA Aceh, in particular, has long supported the victims' community, which might explain why memorialisation was quicker to occur there than in the case of the Simpang KKA shooting.

Another important factor that determines the success of memorialisation is whether local authorities have offered their political and moral support to the cause. Ceremonies for the commemoration of Simpang KKA and Rumoh Geudong were opened and closed with speeches from local government representatives. The North Aceh district government contributed financially to the erection of the Simpang KKA memorial, and additional financial support was secured in subsequent formal and informal meetings with them. In addition, victims invited the North Aceh district government to participate in every event held to commemorate the KKA tragedy, lobbied for support from the DPRK and approached members who were open to offers for dialogue.⁶⁴ These members went on to fight for policy changes at the district level, most notably in relation to regional budgets.

Support from religious authorities was also very important. Aceh introduced an Islamic law-based local government system in 2005, in which the *ulama* (Islamic religious leaders) play a very important role, influencing many aspects of community life and morality.⁶⁵ Community activities usually involve an *ulama*, who leads the group in prayer and Islamic ritual. This was the case in the memorialisation initiatives for the Simpang KKA shooting and Rumoh Geudong.⁶⁶

Even when the groundwork has been laid for survivors and victims, and local authorities have offered their support, there is still a risk that some members of the local community will reject or resist memorialisation initiatives. For example, when KontraS Aceh and various civil actors proposed that a commemorative structure be built and a memorialisation ceremony held to commemorate a fire at Keude Dua, Juli subdistrict, Bireuen district, there was opposition from other groups, including from Bintara Pembina Desa (Babinsa, non-commissioned military officers stationed in every village) in 2021.⁶⁷ Similarly, in the case of the original

64 Telephone interview with Murtala, 4 May 2021.

65 For an overview of the history and implementation of Islamic Law in Aceh, see Ali Geno Berutu, 'Penerapan Syariat Islam Aceh Dalam Lintas Sejarah,' *Jurnal Hukum* 13, no. 2 (2016): 163–88, e-journal.metrouniv.ac.id/index.php/istinbath/article/view/290.

66 Interview with Farida Haryani, Medan, 18 November 2018; telephone interview with Murtala, 4 May 2021.

67 Communication with Faisal Hadi, Jakarta, 2 March 2021.

Rumoh Geudong memorial in Pidie, rejection came from locals associated with the Indonesian military and Babinsa. In the case of the Simpang KKA memorial in Lhokseumawe, even though a memorialisation is held every year, there is always intimidation from local security forces, including Babinsa, the local military command, the police and intelligence services. Individual organisers of these memorialisation events, such as Murtala, who helped to organise the Simpang KKA memorial, also face personal risk. Almost every year Murtala receives intimidating phone calls from these institutions and anonymous callers. Murtala has also been interrogated by the police a few times, including when moralisation events were organised by human rights groups from other districts.⁶⁸ Such risks were also sensed by the owner of the land where Rumoh Geudong was built, who refused to support the memorialisation, as we previously mentioned.⁶⁹

Despite these rejections, most local communities have welcomed these initiatives. Local communities have also provided support to ensure the memorialisation activities go ahead. In the case of the Simpang KKA memorial, Murtala explains, there have been times when he and his organisation lacked the funds to organise the annual memorialisation, and local communities collected funds among themselves to support the event.⁷⁰

Memorialisation as an effort towards reparations and truth-telling

When we began writing this chapter in 2019, the KKR Aceh did not have a memorialisation program in place, as the *Qanun* did not mandate it explicitly. However, as the commission has successively carried out its activities, it has begun to include memorialisation projects in its work. The KKR Aceh initially lobbied the Pidie Jaya district government, and, as a result, in March 2020 the KKR Aceh presented an inscribed memorial to the Pidie Jaya district head via the Beuramat Jailani regional secretary. This has since been followed by the unveiling of a plaque in Cot Keng Village (Figure 8.3), which was referred to as the 'Village of Widows' during the conflict.⁷¹

68 Telephone interview with Murtala, 4 May 2021.

69 Interview with Farida Haryani, Medan, 18 November 2018.

70 Interview with Farida Haryani, Medan, 18 November 2018.

71 Communication with Daud Beureuh, Jakarta, 9 August 2020.



Figure 8.3. Cot Keng plaque installed by the KKR Aceh

Source: KontraS Aceh, 2020.⁷²

In the early 1990s, the Indonesian military conducted a military operation in the area, resulting in adult males fleeing to join GAM or hiding in the jungle, leaving their wives and children behind.⁷³ In 2020, religious and community leaders attended the memorialisation ceremony, alongside members of the victims' community.

In addition to the Cot Keng memorial, the KKR Aceh plans to build a monument in Beutong Ateuh, Nagan Raya district, to commemorate the Teungku Bantaqiah massacre,⁷⁴ and, following that, in Aceh Jaya district and Pidie district. Project organisers are currently focusing on coordination efforts

⁷² The plaque reads: 'This inscription was presented to the victims of suspected human rights abuses in Cot Keng Village, Pidie Jaya District, Aceh, between 1976 and 2005. Remembering Cot Keng, known as the Village of Widows, Cot Keng, 20 July 2020.' It is signed by H. Alyub Bin Abbas, the mayor of Pidie Jaya, and Afridal Darmi, head of the KKR Aceh.

⁷³ Jaqueline Aquino Siapno, *Gender, Islam, Nationalism and the State in Aceh: The Paradox of Power, Co-optation and Resistance* (London: Routledge, 2002; e-book published 2013), 28–29, doi.org/10.4324/9781315029078.

⁷⁴ In July 1999, the Indonesian military brutally killed Teungku Bantaqiah, a Muslim cleric and teacher, and over 50 of his students and followers, accusing them of being separatists. A trial started in May 2000 and found 24 soldiers guilty. However, the commanders named for this crime were never found. On this case, see Suzannah Linton, *Mempertanggungjawabkan Kekejaman-Kekejaman di Indonesia* (Jakarta: ELSAM, 2010), Briefing Paper 1, 23–25.

and the lobbying of district governments.⁷⁵ As was the case in Cot Keng, the process needs to allow for sufficient time to persuade local governments of the importance of these commemorative structures. A significant difference between these initiatives and the two case studies discussed above is that the KKR Aceh has now been established and is currently busy fulfilling its mandate. This has included promoting the importance of reparations and highlighting the role that memorialisation plays in shaping the collective memories that will be passed down to younger generations.⁷⁶

Reparations are just one element of memorialisation: they are also an entry point to truth-telling. Daud Beureuh, a KKR Aceh commissioner, has explained:

The logic behind human rights law is very simple and very rational. The reason that the UN created a resolution in 2006 stipulating the right of victims to access justice following mistreatment was because previous human rights law instruments had stipulated that, in theory, victims had a right to recovery. In practice, the problem is: [H]ow can victims give witness in a court or provide testimonials to a Truth and Reconciliation Commission if they have yet to heal? How can victims tell their stories if they are still suffering from trauma? How can victims stand strong if the economic stability that they were denied has yet to be realised?⁷⁷

This statement emphasises the importance of reparations as a form of healing for victims. This healing increases the likelihood that truth-telling efforts and prosecution mechanisms will be successfully implemented. The KKR Aceh must bear this in mind and give significant priority to reparations (see Chapter 2 of this volume). In Law No. 17 (2013) regarding the KKR Aceh, reparations are defined as 'urgent' and in most cases refer to individual and material forms of reparation.⁷⁸ The law notes that the state has an obligation to provide victims with compensation for losses they have suffered, through restitution, compensation, rehabilitation and a guarantee that the abuses will not be repeated. It also explains that victims have a right to feel safe and at peace. However, there is not a single mention of symbolic reparations, nor of memorialisation, even though it can be argued that memorialisation and symbolic reparations play a crucial role in supporting ongoing peace in the province.

75 Communication with Daud Beureuh, Jakarta, 9 August 2020.

76 Communication with Daud Beureuh, Jakarta, 9 August 2020.

77 Communication with Daud Beureuh, Jakarta, 9 August 2020.

78 *Qanun Aceh*, No. 17, Year 2013, Article 26.

The KKR Aceh is currently making strides that are expected to lead to the institutionalisation of regional policies around the awarding of urgent reparations for victims of human rights abuses.⁷⁹ After lengthy lobbying and design phases, Aceh's governor, Nova Iriansyah, signed a declaration (Government Decision No. 330/1209/2020) entitled 'Urgent Reparations for the Right to Recovery of Victims of Human Rights on 27 May 2020'.⁸⁰ This declaration offers protection to victims of human rights abuses who have participated in truth-telling initiatives in Aceh and ensures that they are aided in their recovery through the provision of medical and psychological treatment, and the provision of financial assistance. The implementation of these reparations will be carried out through the Badan Reintegrasi Aceh (Aceh Reintegration Agency), an agency initially established to ensure the successful reintegration of former GAM fighters.⁸¹

Conclusion

In this chapter, we have examined two community-led memorialisation initiatives that emerged in Aceh during a time when official transitional justice mechanisms had stalled. While both GAM and the Indonesian government agreed to the establishment of the KKR Aceh in 2005, local and national factors in subsequent years prevented its establishment for nearly a decade. The Simpang KKA truth-telling and commemoration event, first held in 2010, was the first memorialisation initiative to break the deadlock. It offered a space for survivors and victims to heal, while actors from civil society, the provincial government and the national government debated the merits and relevance of an official truth and reconciliation commission for Aceh. These events have continued since the KKR Aceh was established in 2016. The Rumoh Geudong memorialisation initiative, for example, was established in 2018 and remained until 2023.⁸²

79 Communication with Daud Beureuh, Jakarta, 9 August 2020.

80 Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh), 'Pernyataan KKR Aceh Penetapan Penerima Reparasi Mendesak Korban Pelanggaran HAM', 24 June 2020, kk.acehprov.go.id/berita/kategori/news/pernyataan-kkr-aceh-penetapan-penerima-reparasi-mendesak-korban-pelanggaran-ham.

81 See Chapter 2 of this volume for a discussion of the BRA and its ongoing difficulties implementing assistance programs for civilian victims of the conflict.

82 Please see the Preface to this volume, which addresses the destruction of the Rumoh Geudong memorial site in 2023.

Through our analysis, we have identified two important functions that memorialisation has performed in the absence of official transitional justice mechanisms in Aceh. Narratives from elites in Aceh and in Jakarta have focused on the experiences of the Indonesian Armed Forces and GAM, and ignored arbitrary acts of violence and human rights abuses that were inflicted against civilians. Therefore, the first function of memorialisation has been to bring these stories into the public consciousness and to offer survivors, victims and their families spaces to heal and grieve.

The second function of memorialisation has been to build broader momentum for transitional justice: NGOs have partnered with victims' groups to lobby the Acehnese government to honour its commitments, as outlined in the 2005 Helsinki Peace Agreement. Building strength at the grassroots level, and exerting pressure upwards, has been a successful approach in this case. Similar initiatives to those described in this chapter have since been implemented by the KKR Aceh, even though memorialisation is not technically in its remit. The Helsinki Peace Agreement demanded that the commission prioritise 'urgent' material reparations for survivors and victims' families. This has meant that grassroots initiatives have continued to be the major source of symbolic reparations. Reparations have served as a way to mobilise survivors and the victims' communities, and have paved the way for truth-telling and the public hearing of testimonies by survivors, which have in turn become important sources of information and strength for the KKR Aceh.

Epilogue: leveraging from the local

John Braithwaite

Jess Melvin, Sri Lestari Wahyuningroem and Annie Pohlman have brought together a priceless collection on transitional justice in Aceh. The story told by its chapters is both inspiring and cautionary about the limits of peace with justice. The research described in this volume on truth, justice and reconciliation was conducted during 2018 and 2019, strategically timed during the middle years of the first term of the Aceh Truth and Reconciliation Commission, the Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh).

In Chapter 1 of this volume, the editors agree with Edward Aspinall that Aceh was a predatory peace.¹ It was a peace in which the human rights court that was promised in its peace agreement had very restricted scope. The national truth commission it promised was never delivered. One might say that most peace processes follow a trajectory of degeneration towards predatory peace, based on the preliminary coding of 65 armed conflicts we have carried out so far for our Peacebuilding Compared project. This includes eight coded cases from across Indonesia – Aceh, Central Sulawesi, Maluku, North Maluku, West Kalimantan, Central Kalimantan, Timor-Leste and West Papua (the latter being more an attempt to impose predatory peace rather than any realisation of peace).²

1 Edward Aspinall, 'Special Autonomy, Predatory Peace and the Resolution of the Aceh Conflict,' in *Regional Dynamics in a Decentralized Indonesia*, ed. Hal Hill (Singapore: Institute of Southeast Asian Studies, 2014), 460–81, doi.org/10.1355/9789814519175.

2 John Braithwaite et al., *Anomie and Violence: Non-Truth and Reconciliation in Indonesian Peacebuilding* (Canberra: ANU Press, 2010), doi.org/10.22459/AV.03.2010.

One might say that the Aceh peace is not as predatory as many other international cases where war crimes were more murderous, and the impunity and postconflict predation even more extreme, such as in Cambodia, where a million lives were lost to its genocide. Cambodia is more predatory because it is such a sham democracy in comparison to Aceh or Indonesia. Only one leader has been able to win elections in postwar Cambodia. Yet Cambodia and Aceh have in common that their citizens enjoy a genuine peace in terms of violence, and they enjoy prosperity. It is not just military combat that has ceased; these societies enjoy the peace on the streets of low-crime societies in international comparative terms.³ During their wars, the women of these societies suffered much higher rates of rape by strangers than they do today,⁴ even as they continue to suffer high levels of postwar domestic violence. All things considered, a predatory peace is much better for ordinary women and men than war.

Predatory peace deals are not limited to transitions from authoritarianism to democracy. A deeply democratic British government sealed a predatory peace deal in Northern Ireland with two of the most powerful and extreme factions – one led by Ian Paisley and the other by Gerry Adams – to share parliamentary power during a long transition and in a way that excluded other factions. This parliamentary power-sharing was the reward for the peace agreement, weapons destruction and the decommissioning of fighting units. In the deal, the British Army and the Royal Ulster Constabulary were granted impunity for their complicity in many murders just as surely as the Irish Republican Army leadership was.

Transitional justice in Aceh is a good illustration of why the predation trap is so hard to escape in any peace process. The predatory peace deal was signed between the Indonesian state and Gerakan Aceh Merdeka (GAM, Free Aceh Movement). Under the condition that the GAM leadership decommission its fighting units and persuade individual fighters to hand in their weapons to be destroyed, the deal essentially guaranteed that if those GAM leaders could succeed in winning postwar elections (which prominent

3 Rod Broadhurst, Thierry Bouhours and Brigitte Bouhours, *Violence and the Civilising Process in Cambodia* (Cambridge: Cambridge University Press, 2015), doi.org/10.1017/CBO9781316271339; Rod Broadhurst, Thierry Bouhours and Brigitte Bouhours, 'Violence and Elias's Historical Sociology: The Case of Cambodia,' *The British Journal of Criminology* 58, no. 6 (2018): 1420–39, doi.org/10.1093/bjc/azx072; Braithwaite et al., *Anomie and Violence*, Chapter 6.

4 Broadhurst et al., *Violence and the Civilising Process*, 310–13. In this work, the authors have evidenced the reduction of rape and domestic violence victimisation; see also Braithwaite et al., *Anomie and Violence*.

GAM leaders indeed were able to do), they would be able to steer special autonomy for Aceh in a way that, in effect, gave them a provincial share of Indonesian patrimonialism. GAM foot soldiers did not secure access to Indonesian patrimonialism in the way some of their leaders managed to, although they did receive one-off reintegration payments at modest levels after they handed in their weapons (see Chapter 2 of this volume). Civilian victims of the war were given even more modest reparations than the foot soldiers, and, indeed, most victims missed out and remained in poverty. These exclusionary dimensions of the disarmament, demobilisation and reintegration deals of peace agreements are internationally widespread. They arise from the logic of war that the foot soldier controls the gun, and the commander controls the foot soldier, while civilian victims control very little and receive little.

There were always two risks to the GAM elites who were personal winners from the predatory peace deal. One was that they might have been implicated in crimes or human rights abuses committed by units under their control during the war. The second was that if those GAM leaders used their newly won provincial power to pierce the impunity of the Indonesian national security state, its intelligence operatives would find a way to bring them down – for example, by public revelation of corrupt enrichment on which the Indonesian state kept dirt files. This reality is evocatively captured by a quote in Chapter 4, by Lia Kent and Rizki Amalia Affiat:

Everyone is afraid. The [provincial] government is afraid [of] talking about the past. Yeah ... when we have to talk about the killers, the rapists, [the] human rights violators, everyone is afraid. The fear can be directly related to the intelligence, the police, GAM ... It is no use for them to support this [talking about the past]. Yeah, they are afraid. They are very afraid.

This book is about some partial but important successes of Acehnese civil society in fighting back against sordid aspects of the predatory peace. The finest hour of Acehnese civil society was when it learned from the way the Timor-Leste clandestinos (clandestine movement, largely comprised of students) not only organised Timorese civil society on the streets of Jakarta in 1998 but also played a prominent role in helping to mobilise wider Indonesian civil society for democracy, and acting as the vanguard of civil society innovation by employing tactics such as fence-jumping into the embassies of the US and other Western embassies to request asylum. In civil society's finest hour in November 1999, hundreds of thousands of protesters (some say it was a million) surged onto the streets of Banda Aceh.

Unfortunately, Acehnese civil society activists were a softer touch than the *clandestinos* who insisted on rejecting deal after deal proposed by the Golkar leadership, replying that if that is all you have to offer, we will continue to control the streets and render Indonesian society ungovernable. The students dispersed from Jakarta's streets only when there were guarantees that President Suharto would stand down, and that future elections would be held in which Golkar victory was by no means assured. Sadly, Acehnese civil society did not control the streets in 1999, nor did they keep returning to the streets in 2005 to demand genuine concessions that would have made their peace less predatory.

There is an inevitability that ceasefire deals, and deals that make ceasefires permanent, are crucial and must, in most cases, be agreed upon by the leaders who control the guns. Indeed, there can be good arguments explaining why such deals are extremely hard to nail down in cases like Aceh. They are signed against a background of repeated failures to do exactly this. Therefore, it may be better not to have too many cross-cutting voices in the room to negotiate the initial deal that stops the fighting.

There is a two-table reality⁵ involved in ensuring that this dealmaking by a small negotiating group works. The representatives of each side in the peace deal confront the adversary they are fighting in the war. Behind each of them, at a second table, are their respective supporters – party activists, local commanders, civil society leaders. Each must do a deal with both tables. With Aceh's predatory peace, that second table only weakly empowered civil society. To put it crudely, the GAM leaders and the Indonesian negotiators who worked on the deal excluded most voices who were seeking to be heard at the second table. Frankly, that can be necessary up to a point, to achieve the outcome of silencing the guns. However, the best peace processes quickly move from an initial ceasefire deal to a more lasting cessation of hostilities, and to a much more inclusive peace process. Again, Timor-Leste, like Bougainville and many other cases, provides an apt contrast.⁶ When the constitution of postconflict Timor-Leste was being drafted, many of the *clandestinos* who had been negotiating with Golkar leaders from the streets of Jakarta in 1998 were elected members of the Constituent Assembly that

5 This two-table analysis comes from the international relations theory in Robert D. Putnam, 'Diplomacy and Domestic Politics: The Logic of Two-Level Games,' *International Organization* 42, no. 3 (1988): 427–60, doi.org/10.1017/S0020818300027697.

6 John Braithwaite, Hilary Charlesworth and Aderito Soares, *Networked Governance of Freedom and Tyranny: Peace in Timor-Leste* (Canberra: ANU Press, 2012), doi.org/10.22459/NGFT.03.2012; John Braithwaite et al., *Reconciliation and Architectures of Commitment: Sequencing Peace in Bougainville* (Canberra: ANU Press, 2010), doi.org/10.22459/RAC.09.2010.

subsequently drafted the constitution of the new Timor-Leste. That is not to deny that impunity, autocracy and elements of predation ultimately congealed into the Timor-Leste peace.⁷ It is simply to say that it was a more participatory peace than Aceh achieved, and that widening the circle of civil society participation in additional phases of peace negotiations was one important factor in that accomplishment, though not the only one.

Another element of the dynamics of predatory peace is that insurgent leaders who seize the reins to shape the peace deal must reach an accommodation with enough factions of the state, and with enough factions of their own movement, to prevail. One demand that such leading factions sometimes make is that factions with different views from their own be prevented from putting their snouts in the patrimonial postconflict trough. They also frequently demand that civil society groups be excluded from constitutional reform or transitional justice negotiations, especially when the civil society groups of concern to them are demanding trials for war crimes. These are the more micropolitical dynamics that explain how efforts to create a coalition for peace so often end up building a coalition for impunity and predation.

Let's give this dynamic insight a little more texture. If the primary interest of a local faction leader is corruptly monopolising some market as a businessman, he (most such predators are male) might say that he does not demand a seat at the table in the peace negotiations. He might guarantee that he will not compete to become a political leader of the postconflict government, but only if those who do jostle for political office protect his monopoly, give him government contracts and exclude his local business competitor from power and from contracts. In some conflicts, such 'shadow state' business actors, who support a criminalised state, can be more powerful than the incumbents of formal state power, who become the puppets of their financial power and dependent on their campaign contributions.⁸ 'Ceasefire capitalism',⁹ 'crony capitalism', 'booty capitalism',¹⁰ 'clientelism'¹¹

7 See Braithwaite et al., *Networked Governance*.

8 William Reno, *Corruption and State Politics in Sierra Leone* (New York: Cambridge University Press, 1995); William Reno, *Warlord Politics and African States* (Boulder, CO: Lynne Rienner Publishers, 1999).

9 Kevin Woods, 'Ceasefire Capitalism: Military–Private Partnerships, Resource Concessions and Military–State Building in the Burma–Chinese Borderlands,' *Journal of Peasant Studies* 38 (2011): 747–70, doi.org/10.1080/03066150.2011.607699.

10 Paul David Hutchcroft, *Booty Capitalism: The Politics of Banking in the Philippines* (Ithaca: Cornell University Press, 1998), doi.org/10.7591/9781501738630.

11 Edward Aspinall and Allen Hicken, 'Guns for Hire and Enduring Machines: Clientelism beyond Parties in Indonesia and the Philippines,' *Democratization* 27, no. 1 (2020): 137–56, doi.org/10.1080/13510347.2019.1590816.

and 'deep states'¹² are terms often used to describe different and complex variants of this dynamic of predation by business puppeteers beyond the official corridors of power.

What, then, is to be done about a peace that is afflicted with predation? One answer is that it is never too late for civil society to fight back, seeking to retrieve some of the opportunities it has lost. This book is inspiring in what it reveals about the way the people of Aceh have struggled for a truth and reconciliation commission (TRC). Acehese civil society was effective in pressuring peace negotiators to include a provision for a national truth commission, at the death of its peace process. Then, when the Indonesian courts struck down the law that provided for this, civil society mobilised nationally and in Aceh with a parallel strategy developed by a national coalition, the *Koalisi Keadilan dan Pengungkapan Kebenaran* (KKPK, Coalition for Justice and the Disclosure of Truth). It lobbied for the redrafting of a national TRC Law in Jakarta. At the same time, a local movement, the *Koalisi Pengungkapan Kebenaran Aceh* (KPK Aceh, Coalition for Truth-Telling in Aceh), won a local legislative victory with the Aceh TRC Law of 2013. Many of the truth, justice and reconciliation provisions enshrined in this law were effectively drafted by civil society.

Then peace with predation struck again when the Aceh government approved only a risory budget for the first year of the commission (2016–17). Evi Zain and Galuh Wandita explain in Chapter 3 of this volume that this initial funding was less than 15 per cent of the amount requested by the commissioners, leaving almost no funds either for their programmatic work, or to employ members of the basic teams of the commission. This aspect of a predatory peace again drew an inspiring response from civil society. It stepped in smartly to empower the KKR Aceh to start its core truth-finding mandate, working with survivors to take witness statements and to secure outreach to, and participation from, communities in ways explained in the chapters by Zain and Wandita (Chapter 3), Nuraini, Yuniar, Fitriani and Imelva (Chapter 5) and Berueh, Hadi and Pohlman (Chapter 6). Civil society drove forward the first 'hearing testimony' public hearings in October 2018.

The KKR Aceh hence made a promising start to documenting victims' stories and hopes using a human rights approach led by grassroots, local voice and empowerment. The commission has begun to deliver a voluntary,

12 Jean-Pierre Filiu, *From Deep State to Islamic State: The Arab Counter-Revolution and its Jibadi Legacy* (Oxford: Oxford University Press, 2015).

community-based reconciliation process between local perpetrators and victim communities. One of the remarkable lobbying accomplishments of the civil society activists of KPK Aceh is that the commission was made a permanent institution by the Aceh parliament to ensure a long-term approach to reconciliation. Ray Nickson and I have long advocated for this, for a variety of reasons, including the fact that the experience of TRCs that run for just three or four years is that most victims are not ready to tell their story in that period, or that the TRC does not get around to visiting their village during that period.¹³ The KKR Aceh may be the first TRC anywhere in the world to be established as a permanent commission.

In the light of this achievement, the diverse and insightful chapters of this book show how dynamic and responsive Acehnese civil society has been across two decades. This has been true since that early error of too quickly giving back the streets to the Jakarta regime, rather than promising the ongoing ungovernability of the province until civil society demands were honoured. As Zain and Wandita put it in Chapter 3:

Ten years of lobbying and organising to bring about the commission was one achievement, but once it finally came about, there was more work to be done. By stepping up to support the KKR Aceh when it was under-funded and under-staffed, it was these same civil society groups, not the state, that once again became the driver for truth-telling and accountability in Aceh.

Chapter 7, written by Jess Melvin and Azhari Aiyub, is one of several chapters making the point that transitional *injustice* is always a possibility in transitional justice settings. The same problem arises when a criminal justice system becomes a criminal injustice system because in it, black lives do not matter. This is particularly likely when the failures of transitional justice are not simply a result of capacity deficits, instead being a consequence of the politically wilful suppression of transitional justice. In combination, all the chapters of this book contribute to a picture of civil society resilience in the struggle against this suppression.

In Chapter 4, Lia Kent and Rizki Amalia Affiat caution that while we should be inspired by this civil society fightback, it should not be oversold, because transitional justice encounters limits when it is supported by neither the

13 John Braithwaite and Ray Nickson, 'Timing Truth, Reconciliation, and Justice after War,' *Ohio State Journal on Dispute Resolution* 27, no. 3 (2012): 443–76; Ray Nickson and John Braithwaite, 'Deeper, Broader, Longer Transitional Justice,' *European Journal of Criminology* 11, no. 4 (2014): 445–63, doi.org/10.1177/1477370813505954.

contemporary state nor the combatant parties of an old conflict. A fully effective TRC model requires national as well as provincial authority, so that former military leaders in Jakarta and in Aceh can be subpoenaed and arrested. Another risk to the process is created when the TRC announces that, finally, the commission will collect testimony, but, not for the first time, no-one comes near some remote village to ask how their hurts might be healed and their harms repaired. A converse risk in the case of more central communities, or communities whose narrative of suffering is famous and celebrated, is that they may have evidence gathered from them by yet another process that holds out promise of compensation but delivers none. Victims say they are retraumatised by being made to tell their stories repeatedly, and by being told that this retelling will deliver reparations or an end to impunity, although no cash is delivered, nor do they see any convictions of war criminals. Kent and Affiat describe this as being interviewed one more time for one more 'data base' that serves no redistributive purpose.

We academic researchers contribute to this problem by tacitly implying that answering questions in our research interviews might stimulate the arrival of international resourcing for transitional justice when it does not. Lia Kent and Rizki Amalia Affiat caution that our responsibility is to try hard to make a difference while declining to oversell the difference we can make. The truly disadvantaged are acutely aware that foreign researchers tend to be careerists. They accurately perceive that most of them are more interested in using the research to generate an income and get ahead in their career than in helping survivors. That is not to deny that foreigners can also have noble motivations. However, there are so many victims of the war that the foreigners, no less than the locals, are overwhelmed by the demands of the truly disadvantaged. I like to say to the truly disadvantaged in Muslim societies like Aceh that I am just a humble professor with little political power. I only have the power of the pen – although, admittedly, we should never underestimate the power of the pen. Indeed, we should not, because if *no* foreigners go in to get the story out about those who are oppressed by war, international help and international pressure on domestic oppressors have even fewer prospects of arriving. The narrative of the humility of the pen can elicit fertile collaboration in some Muslim societies because in the Holy Qur'an, the messages of the pen being more powerful than the sword, and of the significance of scholars, are important ones. A humble but realistic communication of how much the foreign researcher can help is not enough. To conduct a discourse analysis that does nothing of any political use with the analysis is an act of exploitation. To advance to a well-

paid career on the back of that suffering is still exploitation, in my view, if the foreign scholar fails to return a proportion of the personal profit from the research to the truly disadvantaged.

For domestic activists pursuing transitional justice, these dilemmas are not as acute as they are for wealthy foreign researchers. Yet they have the same character. Poor people who have suffered profoundly as a result of war can be cynical of workers in non-government organisations (NGOs) who are paid to gather data about their suffering, and even more cynical of locals who build wealth running NGOs that are like businesses. In the case of Aceh, where most of the NGO work of transitional justice is done by civil society volunteers, this is a positive aspect of there being minimal state and international funding for transitional justice. Even where local NGO workers draw a salary from their transitional justice work for a short period, their visible civil society volunteerism during other periods of their lives can result in them being viewed in a very different, and more positive, light compared to the relatively rich foreign researcher. Moreover, such a blend of volunteering with some helpful public resourcing averts the danger that local capacities will be eroded by generous, but very short-term, donor-based programs. One virtue of the permanency of the KKR Aceh is that it has to spit the dummy of this dependency on short-term largesse (and long-term exploitation by those who control the capital in the metropolises of Indonesia and the Global North alike).

It may be, however, that the personal integrity of transitional justice researchers and workers who neither oversell nor undersell what they do can transcend all these limitations. These are people who genuinely value their transitional justice work, and who throw themselves into it with a spirit of generosity and kindness, to give something of themselves to the *longue durée* of healing harms to the marginalised. A saving grace of transitional justice practice is that it is a tradition infused with values of care and deep listening. It is a relational tradition of active participation in sticking at the task of doing our bit to help empower the powerless.

In my work on restorative justice in Afghanistan, Pakistan, Libya, Iran and Iraq with colleagues from these societies, I saw that Islamic traditions of volunteerism were significant.¹⁴ It was important for local greybeards and greyhairs alike to help local perpetrators financially with loans or gifts that allowed them to pay some reparation to victims. These gifts of elders to poor perpetrators for passing on to poor victims were seen as service to God. My research in Aceh was not deep enough to judge whether this was an important reality in its village societies. However, it did allow me to see that indigenous restorative traditions encouraged former GAM members to participate in traditional reconciliation rituals – *peusijek* (welcome home) ceremonies. Most of this work was volunteerism. The International Center for Transitional Justice reported that most of the *peusijek* ceremonies for amnestied GAM prisoners returning to their villages were attended by the Aceh Monitoring Mission (AMM, international, predominantly military, peace monitors), and military and police representatives, and that they proceeded smoothly.¹⁵ One AMM officer I spent time with while observing AMM patrols had attended a *peusijek* ritual for 112 GAM fighters, and another in which 25 GAM families stood with 25 non-GAM families who were victims of the war, many having suffered at the hands of GAM. The World Bank found that almost all villages had experienced some form of *peusijek* or *kenduri* ceremony, and 77 per cent of active GAM members surveyed reported that they had experienced welcome ceremonies in their village – sometimes family *peusijek*, sometimes village *peusijek*.¹⁶ In many cases, every member of the village attended these rituals.

14 Ali Wardak and John Braithwaite, 'Crime and War in Afghanistan. Part II: A Jeffersonian Alternative?,' *British Journal of Criminology* 53, no. 2 (2013): 197–214, doi.org/10.1093/bjc/azs066; John Braithwaite and Tamim Rashed, 'Nonviolence and Reconciliation among the Violence in Libya,' *Restorative Justice: An International Journal* 2, no. 2 (2014): 185–204, doi.org/10.5235/20504721.2.2.185; John Braithwaite and Ali Gohar, 'Restorative Justice, Policing and Insurgency: Learning from Pakistan,' *Law and Society Review* 48, no. 3 (2014): 531–61, doi.org/10.1111/lasr.12091; John Braithwaite and Bina D'Costa, *Cascades of Violence: War, Crime and Peacebuilding across South Asia* (Canberra, ANU Press, 2018), doi.org/10.22459/CV.02.2018; John Braithwaite, Honey Hojabrosadati and Miranda M. Forsyth, 'Restorative Nodes of Governance in the Anthropocene: Iran's Kashaf River,' *Law and Policy* 43, no. 3 (2021): 205–28, doi.org/10.1111/lapo.12173.

15 Ross Clarke, Galuh Wandita and Samsidar, *Considering Victims: The Aceh Peace Process from a Transitional Justice Perspective*, Occasional Paper Series (New York: International Center for Transitional Justice, 2008), 14, ictj.org/sites/default/files/ICTJ-Indonesia-Aceh-Process-2008-English.pdf.

16 World Bank, *Aceh Conflict Monitoring Update 1st–31st May 2006* (Jakarta: World Bank, 2006), reliefweb.int/sites/reliefweb.int/files/resources/40BCCB64F483BDB6492571A00025587D-wb-idn-31may.pdf.

Peusijuek usually involves pouring sacred water and yellow rice or powder on those blessed after the reconciliation of a dispute, on a person returning from the *hajj* and at other important events. In separate processes before a *peusijuek*, the parties would normally work through the resolution of the dispute. Unlike the *suloh*, a more complicated process involving many people in reconciliation by negotiation and testimony (related to Middle Eastern restorative justice practices of *sulha*), the *peusijuek* symbolises only the fact that the parties are at peace. It can also be a cooling down that prepares parties in conflict to subsequently sit down to talk. In other words, these watering ceremonies are ‘social practices, not discursive practices. It’s actions. Not in the mind, it’s in the practice.’¹⁷ Watering ‘cools people down’, watering them as if they were plants. Widows and other conflict victims were often also blessed in these rituals. Ex-combatants also widely experienced religious welcomes of reconciliation and forgiveness, as in sermons by imams in mosques and *meunasah* (village halls). *Peusijuek* is probably a pre-Islamic reconciliation institution that has some elements widely interpreted as suggesting Buddhist/Hindu influence. Sometimes, people who have been in conflict shake hands (*peumat jarou*) in the presence of an *adat* leader who has worked on reconciliation between them, and selected prayers for peace and selected verses of the Qur’an for peace may be recited. Some such *peusijuek* ceremonies took place between GAM leaders and antiseparatist militia leaders; they made commitments to each other in the mosque and hugged in front of the mosque afterwards, with important figures on both sides adding gravitas to the occasion – for example, a minister from Jakarta and/or the governor of Aceh.¹⁸

In my AMM interviews, I was told that the AMM would occasionally hear about an incident of the police beating people. Before they did anything about it, they would sometimes hear that meetings had been held, compensation payments made and the problem resolved as far as the stakeholders were concerned. It is important that transitional justice scholarship does not overly romanticise these local practices of healing and repair. Equally, it must not ignore them but build sustainability on the foundations for reconciliation that they lay. One of the problems of top-down resistance from Jakarta to transitional justice revealed by my research was the suppression of *peusijuek* as a means of building from local to provincial reconciliation:

17 Personal communication with Mustafa Arahman, State Institute of Islamic Studies, Banda Aceh, quoted in Braithwaite et al., *Anomie and Violence*, Chapter 6.

18 This section of my epilogue relies on Braithwaite et al., *Anomie and Violence*, Chapter 6.

We had a conversation with one old ulama who said he had attended a *peusijek* at the Grand Mosque in Banda Aceh followed by prayers for peace and reconciliation, [which was] attended by Sukarno ministers and the Governor at the end of the Darul Islam rebellion, and again with GAM leaders, the Governor and a senior minister in Suharto's time. He was critical that [at] such a Grand Mosque, top-level *peusijek* had not occurred in association with the peace sealed by the AMM. Another informant said the military leadership was unwilling to participate in such a top-level *peusijek* with GAM leaders, though military officers had participated in less grand reconciliations.¹⁹

Sri Lestari Wahyuningroem and Hendra Saputra's discussion in Chapter 8 of the Simpang KKA commemoration statue²⁰ and other early community-led memorialisations is another profound contribution in this book, which commemorates the practice of local memorialisation – a practice on which a future national TRC could build.

Indonesia and the whole world can draw so much inspiration from the innovation and resilience displayed in the search for truth, justice and reconciliation in Aceh. Aceh's permanent TRC experiment provides a basis for the hope that this learning will continue for some decades to come, and that one day, truth, justice and reconciliation will be enthusiastically embraced by the Indonesian state and military. This collection is such an important stocktake of what we have learned so far from the long-suffering people of Aceh and their struggles against war and predation, and for peace with justice. For me, what this book helps us to appreciate more than anything is that the struggle for peace with truth, justice and reconciliation is a struggle of generous giving by dedicated citizens – citizens of the *longue durée* who seek justice as a better future for their descendants.

19 Braithwaite et al., *Anomie and Violence*, 391.

20 Simpang KKA (Simpang Kertas Kraft Aceh, Aceh Kraft Paper [mill] Junction).

Select bibliography

- Aguilar, Paloma. 'Collective Memory of the Spanish Civil War: The Case of the Political Amnesty in the Spanish Transition to Democracy.' *Democratization* 4, no. 4 (1997): 88–109. doi.org/10.1080/13510349708403537.
- Akhavan, Payam. 'Are International Criminal Tribunals a Disincentive to Peace? Reconciling Judicial Romanticism with Political Realism.' *Human Rights Quarterly* 31, no. 3 (2009): 624–54. doi.org/10.1353/hrq.0.0096.
- . 'The International Criminal Court in Context: Mediating the Global and Local in the Age of Accountability.' *The American Journal of International Law* 97, no. 3 (2003): 712–21. doi.org/10.2307/3109871.
- Al-Chaidar, Sayed Mudhahar Ahmad, and Yarman Dinamika. *Aceh Bersimbah Darah: Mengungkap Penerapan Status Daerah Operasi Militer (DOM) di Aceh, 1989–1998*. Jakarta: Pustaka Al-Kautsar, 1998.
- Ambos, Kai. *Treatise on International Criminal Law*. Oxford: Oxford University Press, 2013.
- Amnesty International. *Indonesia: New Military Operations, Old Patterns of Human Rights Abuses in Aceh (Nanggroe Aceh Darussalam, NAD)*. ASA 21/033/2004. London: Amnesty International, 7 October 2004.
- . *Indonesia: 'Shock Therapy': Restoring Order in Aceh 1989–1993*. ASA 21/07/93. London: Amnesty International, 27 July 1993. amnesty.org/en/documents/asa21/007/1993/en/.
- . *Indonesia: Time to Face the Past: Justice for Past Abuses in Indonesia's Aceh Province*. ASA 21/001/2013. London: Amnesty International, 18 April 2013. amnesty.org/en/documents/asa21/001/2013/en/.
- Anderson, Bobby, and Chris Rosado. 'Searching for the Impacts of Community Driven Development Projects in Post-conflict Aceh, Indonesia.' Paper presented at the International Conference on Aceh and Indian Ocean Studies, Lhokseumawe, Aceh, Indonesia, June 2013.

- Aoláin, Fionnuala Ní, and Colm Campbell. 'The Paradox of Transition in Conflicted Democracies.' *Human Rights Quarterly* 27, no. 1 (2005): 172–213. doi.org/10.1353/hrq.2005.0001.
- Aretxaga, Begoña. 'The Sexual Games of the Body Politic: Fantasy and State Violence in Northern Ireland.' *Culture, Medicine and Psychiatry* 25, no. 1 (2001): 1–27. doi.org/10.1023/A:1005630716511.
- Arthur, Paige. 'How "Transitions" Reshaped Human Rights: A Conceptual History of Transitional Justice.' *Human Rights Quarterly* 31, no. 2 (2009): 321–67. doi.org/10.1353/hrq.0.0069.
- Arthur, Paige, and Christalla Yakinthou, eds. *Transitional Justice, International Assistance, and Civil Society: Missed Connections*. Cambridge: Cambridge University Press, 2018.
- Asia Justice and Rights (AJAR) and the Commission for the Disappeared and Victims of Violence Aceh (KontraS Aceh). *Transitional Justice: Indonesia Case Study*. Banda Aceh: AJAR and KontraS Aceh, 2017. asia-ajar.org/resources/policy-papers/transitional-justice-indonesia-case-study/.
- Asia Watch. 'Indonesia: Human Rights Abuses in Aceh.' *News from Asia Watch*, 27 December 1990. hrw.org/reports/pdfs/i/indonesai/indonesi90d.pdf.
- Aspinall, Edward. 'Aceh/Indonesia: Conflict Analysis and Options for Systemic Conflict Transformation.' *Berghof Foundation for Peace Support*, August 2005. fba.or.id/uploads/6/8/1/4/6814337/root_of_aceh_conflict_final_20_version.pdf.
- . 'Combatants to Contractors: The Political Economy of Peace in Aceh,' *Indonesia* 87 (2009): 1–34.
- . 'From Islamism to Nationalism in Aceh, Indonesia.' *Nations and Nationalism* 13, no. 2 (2007): 147–49. doi.org/10.1111/j.1469-8129.2007.00277.x.
- . *Islam and Nation: Separatist Rebellion in Aceh, Indonesia*. Stanford: Stanford University Press, 2009.
- . 'Modernity, History and Ethnicity: Indonesian and Acehnese Nationalism in Conflict.' *RIMA: Review of Indonesian and Malaysian Affairs* 36, no. 1 (2002): 3–33.
- . *Opposing Suharto: Compromise, Resistance, and Regime Change in Indonesia*. Stanford: Stanford University Press, 2005.
- . 'Peace without Justice? The Helsinki Peace Process in Aceh.' Centre for Humanitarian Dialogue, April (2008): 1–44. hdcentre.org/wp-content/uploads/2016/08/56JusticeAcehfinalrevJUNE08-May-2008.pdf.

- . ‘Special Autonomy, Predatory Peace and the Resolution of the Aceh Conflict.’ In *Regional Dynamics in a Decentralised Indonesia*, edited by Hall Hill, 460–81. Singapore: Institute of Southeast Asian Studies, 2014. doi.org/10.1355/9789814519175.
- . ‘Violence and Identity Formation in Aceh under Indonesian Rule.’ In *Verandah of Violence: The Background to the Aceh Problem*, edited by Anthony Reid, 149–76. Singapore: Singapore University Press, 2006. doi.org/10.1017/s0021911808000557.
- Aspinall, Edward, and Allen Hicken. ‘Guns for Hire and Enduring Machines: Clientelism beyond Parties in Indonesia and the Philippines.’ *Democratization* 27, no. 1 (2020): 137–56. doi.org/10.1080/13510347.2019.1590816.
- Aspinall, Edward, and Fajran Zain. ‘Transitional Justice Delayed in Aceh, Indonesia.’ In *Transitional Justice in the Asia-Pacific*, edited by Renée Jeffery and Hun Joon Kim, 87–123. Cambridge: Cambridge University Press, 2013. doi.org/10.1017/CBO9781139628914.
- Aspinall, Edward, and Harold Crouch. *The Aceh Peace Process: Why It Failed*. Washington: East-West Center, 2003. eastwestcenter.org/sites/default/files/private/PS001.pdf.
- Astuti, Ester Sri, Astrid Offermans, Rene Kemp, and Ron Corvers. ‘The Impact of Coffee Certification on the Economic Performance of Indonesian Actors.’ *Asian Journal of Agriculture and Development* 12, no. 2, December (2015): 1–16. doi.org/10.22004/ag.econ.258826.
- Avionus, Leena M. ‘Reintegration: BRA’s Roles in the Past and Its Future Visions.’ Working Paper, Crisis Management Initiative, Helsinki, 2011. acehpeaceprocess.net/pdf/avonius.pdf.
- Backer, David. ‘Civil Society and Transitional Justice: Possibilities, Patterns and Prospects.’ *Journal of Human Rights* 2, no. 3 (2003): 297–313. doi.org/10.1080/1475483032000132999.
- Baker, Jacqui. ‘The Rhizome State: Democratizing Indonesia’s Off-Budget Economy.’ *Critical Asian Studies* 47, no. 2 (2015): 309–36. doi.org/10.1080/14672715.2015.1041282.
- Barter, Shane Joshua. *Neither Wolf, nor Lamb: Embracing Civil Society in the Aceh Conflict*. Bangkok: Forum Asia, 2004. watchindonesia.de/wp-content/uploads/Neither_Wolf_nor_Lamb-civil-society-aceh.pdf.
- . ‘Resources, Religion, Rebellion: The Sources and Lessons of Acehese Separatism.’ *Small Wars and Insurgencies* 19, no. 1 (2008): 39–61. doi.org/10.1080/09592310801905769.

- Barter, Shane Joshua, and Isabelle Cote. 'Strife of the Soil? Unsettling Transmigrant Conflicts in Indonesia.' *Journal of Southeast Asian Affairs* 46, no. 1 (February 2015): 60–85. doi.org/10.1017/S0022463414000617.
- Bassiouni, M. Cherif. 'International Recognition of Victims' Rights.' *Human Rights Law Review* 6, no. 2 (2006): 203–79. doi.org/10.1093/hrlr/ngl009.
- Baumgartner, Elisabeth, and Lisa Ott. 'Determining the Fate of Missing Persons: The Importance of Archives for "Dealing with the Past" Mechanisms.' *International Review of the Red Cross* 99, no. 905 (2017): 663–88. doi.org/10.1017/S181638311800053X
- Bell, Christine. 'Contending with the Past: Transitional Justice and Political Settlement Processes.' In *Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies*, edited by Roger Duthie and Paul Seils, 84–115. New York: International Center for Transitional Justice, 2017.
- . 'The Fabric of Transitional Justice: Binding Local and Global Settlements.' *University of Edinburgh School of Law Legal Studies Research Paper* (2016): 1–22.
- . *Peace Agreements and Human Rights*. Oxford: Oxford University Press, 2000.
- Berman, Laine. *Speaking through the Silence: Narratives, Social Conventions, and Power in Java*. New York: Oxford University Press, 1998.
- Binningsbø, Helga Malmin, Cyanne E. Loyle, Scott Gates, and Jon Elster. 'Armed Conflict and Post-conflict Justice, 1946–2006: A Dataset.' *Journal of Peace Research* 49, no. 5 (2012): 731–40. doi.org/10.1177/0022343312450886.
- Block, Ben. 'Global Palm Oil Demand Fueling Deforestation.' *Environmental News Network*, World Watch, 13 April 2009, enn.com/articles/39655-global-palm-oil-demand-fueling-deforestation.
- Booth, W James. *Communities of Memory: On Witness, Identity, and Justice*. Ithaca: Cornell University Press, 2006. doi.org/10.7591/9781501726866.
- Bourchier, David. 'Crime, Law and State Authority in Indonesia.' In *State and Civil Society in Indonesia*, edited by Arief Budiman. Clayton, Victoria: Monash University, Asia Institute, 1990.
- Bowen, John R. *Sumatran Politics and Poetics: Gayo History, 1900–1989*. New Haven: Yale University Press, 1991. doi.org/10.2307/j.ctt2250wwf.
- Brahm, Eric. 'Uncovering the Truth: Examining Truth Commission Success and Impact.' *International Studies Perspectives* 8, no. 1 (2007): 16–35. doi.org/10.1111/j.1528-3585.2007.00267.x.

- Braithwaite, John. 'Restorative Justice: Assessing Optimistic and Pessimistic Accounts.' *Crime and Justice* 25 (1999): 1–127. doi.org/10.1086/449287.
- Braithwaite, John, and Ali Gohar. 'Restorative Justice, Policing and Insurgency: Learning from Pakistan.' *Law and Society Review* 48, no. 3 (2014): 531–61. doi.org/10.1111/lasr.12091.
- Braithwaite, John, and Bina D'Costa. *Cascades of Violence: War, Crime and Peacebuilding across South Asia*. Canberra, ANU Press, 2018. doi.org/10.22459/CV.02.2018.
- Braithwaite, John, Hilary Charlesworth, and Aderito Soares. *Networked Governance of Freedom and Tyranny: Peace in Timor-Leste*. Canberra: ANU Press, 2012. doi.org/10.22459/RAC.09.2010.
- Braithwaite, John, Hilary Charlesworth, Peter Reddy, and Leah Dunn. *Reconciliation and Architectures of Commitment: Sequencing Peace in Bougainville*. Canberra: ANU Press, 2010. doi.org/10.22459/RAC.09.2010.
- Braithwaite, John, Honey Hojabrosadati, and Miranda M. Forsyth. 'Restorative Nodes of Governance in the Anthropocene: Iran's Kashaf River.' *Law and Policy* 43, no. 3 (2021): 205–28. doi.org/10.1111/lapo.12173.
- Braithwaite, John, and Ray Nickson. 'Timing Truth, Reconciliation, and Justice after War.' *Ohio State Journal on Dispute Resolution* 27, no. 3 (2012): 443–76.
- Braithwaite, John, and Tamim Rashed. 'Nonviolence and Reconciliation among the Violence in Libya.' *Restorative Justice: An International Journal* 2, no. 2 (2014): 185–204. doi.org/10.5235/20504721.2.2.185.
- Braithwaite, John, Valerie Braithwaite, Michael Cookson, and Leah Dunn. *Anomie and Violence: Non-Truth and Reconciliation in Indonesian Peacebuilding*. Canberra: ANU E Press, 2010. doi.org/10.26530/open_458801.
- Bräuchler, Birgit, ed., *Reconciling Indonesia: Grassroots Agency for Peace*. New York: Routledge, 2009. doi.org/10.4324/9780203876190.
- Brison, Susan. *Aftermath: Violence and the Remaking of a Self*. Princeton: Princeton University Press, 2002.
- Broadhurst, Rod, Thierry Bouhours, and Brigitte Bouhours. 'Violence and Elias's Historical Sociology: The Case of Cambodia.' *The British Journal of Criminology* 58, no. 6 (2018): 1420–39. doi.org/10.1093/bjc/azx072.
- . *Violence and the Civilising Process in Cambodia*. Cambridge: Cambridge University Press, 2015. doi.org/10.1017/CBO9781316271339.

- Brounéus, Karen. 'The Women and Peace Hypothesis in Peacebuilding Settings: Attitudes of Women in the Wake of the Rwandan Genocide.' *Signs* 40, no. 1 (2014): 125–51. doi.org/10.1086/676918.
- Brusset, Emery, Mihir Bhatt, Karen Bjornestad, John Cosgrave, Anne Davies, Yashwant Deshmukh, Joohi Haleem, Silvia Hidalgo, Yulia Immajati, Ramani Jayasundere, et al. 'A Ripple in Development? Long Term Perspectives on the Response to the Indian Ocean Tsunami 2004.' *A Joint Follow-up Evaluation of the Links between Relief, Rehabilitation and Development*. Stockholm: SIDA, 2009. oecd.org/derec/sweden/42911319.pdf.
- Bubenzer, Ole. *Post-TRC Prosecutions in South Africa: Accountability for Political Crimes after the Truth and Reconciliation Commission's Amnesty Process*. Leiden: Martinus Nijhoff, 2009.
- Bufacchi, Vittorio. 'Knowing Violence: Testimony, Trust and Truth.' *Revue Internationale de Philosophie* 67, no. 265(3) (2013): 277–91. doi.org/10.3917/rip.235.0277.
- Charlesworth, Hilary. 'Swimming to Cambodia: Justice and Ritualism in Human Rights after Conflict.' *Australian Year Book of International Law* 29 (2011): 1–16. doi.org/10.22145/aybil.29.1.
- Citrawan, Harison. 'The Promise of Reconciliation: The Limits of Amnesty Law in Post-conflict Aceh.' ShapeSEA (Strengthening Human Rights and Peace Research and Education in ASEAN/Southeast Asia) Working Paper, June 2019. shapesea.com/wp-content/uploads/2019/07/2-Harison.Academic-Paper.edited.FINAL_-1.pdf.
- Clamp, Kerry, and Johnathan Doak. 'More than Words: Restorative Justice Concepts in Transitional Justice Settings.' *International Criminal Law Review* 12, no. 3 (2012): 339–60. doi.org/10.1163/157181212X648824.
- Clarke, Ross, Galuh Wandita, and Samsidar. *Considering Victims: The Aceh Peace Process from a Transitional Justice Perspective*. Occasional Paper Series. Jakarta: International Center for Transitional Justice, 2008. ictj.org/sites/default/files/ICTJ-Indonesia-Aceh-Process-2008-English.pdf.
- Clavé-Çelik, Elsa. 'Silenced Fighters: An Insight into Women Combatants' History in Aceh.' *Archipel* 87, no. 1 (2014): 273–306. doi.org/10.3406/arch.2014.4465.
- Cohen, David. 'Intended to Fail: The Trials before the Ad Hoc Human Rights Court in Jakarta.' Occasional Paper Series. Jakarta: International Center for Transitional Justice, August 2003: 1–83. ictj.org/sites/default/files/ICTJ-Indonesia-Rights-Court-2003-English.pdf.

- Coordination Forum Aceh and Nias (CFAN), Badan Rehabilitasi dan Rekonstruksi (BRR), and the World Bank. 'Rebuilding a Better Aceh and Nias: Stocktaking of the Reconstruction Effort.' Brief for CFAN, BRR and the World Bank, October 2005. reliefweb.int/sites/reliefweb.int/files/resources/C2A3BAE58111C156492570DD000DE581-wb-idn-26oct.pdf. (Site discontinued; accessed 20 January 2020).
- Crenzel, Emilio. 'Argentina's National Commission on the Disappearance of Persons: Contributions to Transitional Justice.' *International Journal of Transitional Justice* 2, no. 2 (2008): 173–91. doi.org/10.1093/ijtj/ijn007.
- Crocker, David. 'Transitional Justice and International Civil Society: Toward a Normative Framework.' *Constellations* 5, no. 4 (1998): 23–41. doi.org/10.1111/1467-8675.00110.
- Cunliffe, Scott, Eddie Riyadi, Raimondus Arwalembun, and Hendrik Boli Tobi. *Negotiating Peace in Indonesia: Prospects for Building Peace and Upholding Justice in Maluku and Aceh*. Jakarta and New York: ICTJ and ELSAM, 2009. ictj.org/publication/negotiating-peace-indonesia-prospects-building-peace-and-upholding-justice-maluku-and.
- Curnow, Jayne. 'Legal Support Structures and the Realisation of Muslim Women's Rights in Indonesia.' *Asian Studies Review* 39, no. 2 (2015): 213–28. doi.org/10.1080/10357823.2015.1025695.
- Damaška, Mirjan. 'What is the Point of International Criminal Justice?' *Chicago-Kent Law Review* 83, no. 1 (2007): 329–68.
- Das, Veena, and Ashis Nandi. 'Violence, Victimhood and the Language of Silence.' *Contributions to Indian Sociology* 19, no. 1 (1985): 177–95. doi.org/10.1177/006996685019001011.
- Davies, Matthew N. *Indonesia's War over Aceh: Last Stand on Mecca's Porch*. New York: Routledge, 2006. doi.org/10.4324/9780203968802.
- Denney, Lisa, and Pilar Domingo. 'Local Transitional Justice: How Changes in Conflict, Political Settlement and International Development are Reshaping the Field.' In *Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies*, edited by Roger Duthie and Paul Seils, 202–33. New York: International Center for Transitional Justice, 2017.
- Department for International Development. *Building Peaceful States and Societies: A DFID Practice Paper*. London: Department for International Development, 2010.

- de Ridder, Trudy. 'The Trauma of Testifying: Deponents' Difficult Healing Process.' *Track Two: Constructive Approaches to Community and Political Conflict* 6, nos. 3–4 (1997): 1–6. journals.co.za/doi/epdf/10.10520/EJC111681.
- De Yeaza, Carla, and Nicole Fox. 'Narratives of Mass Violence: The Role of Memory and Memorialization in Addressing Human Rights Violations in Post-conflict Rwanda and Uganda.' *Societies without Border* 8, no. 3 (2013): 334–72. scholarlycommons.law.case.edu/swb/vol8/iss3/2.
- Drexler, Elizabeth F. 'The Social Life of Conflict Narratives: Violent Antagonists, Imagined Histories, and Foreclosed Futures in Aceh, Indonesia.' *Anthropological Quarterly* 80, no. 4 (2007): 961–95. doi.org/10.1353/anq.2007.0060.
- Drumbl, Mark A. 'Collective Violence and Individual Punishment: The Criminality of Mass Atrocity.' *Northwestern University Law Review* 99, no. 2 (2005): 539–610. scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1035&context=wlufac.
- Dueck, Judith, Manuel Guzman, and Bert Verstappen. *HURIDOCs Events Standard Formats: A Tool for Documenting Human Rights Violations*, Rev. 2nd edition. Versoix: HURIDOCs, 2001. huridocs.org/wp-content/uploads/2020/11/HURIDOCs_ESF_English1.pdf.
- Dukalskis, Alexander. 'Interactions in Transition: How Truth Commissions and Trials Complement or Constrain Each Other.' *International Studies Review* 13, no. 3 (2011): 432–51. doi.org/10.1111/j.1468-2486.2011.01014.x.
- Duthie, Roger. *Building Trust and Capacity: Civil Society and Transitional Justice from a Development Perspective*. New York: International Center for Transitional Justice, 2009. ictj.org/sites/default/files/ICTJ-Development-CivilSociety-FullPaper-2009-English.pdf.
- . 'Introduction.' In *Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies*, edited by Roger Duthie and Paul Seils, 8–39. New York: International Center for Transitional Justice, 2017.
- Elster, Jon. 'Coming to Terms with the Past: A Framework for the Study of Justice in the Transition to Democracy.' *European Journal of Sociology* 39, no. 1 (1998): 7–48. doi.org/10.1017/S0003975600007785.
- . 'Moral Dilemmas of Transitional Justice.' In *Practical Conflicts: New Philosophical Essays*, edited by Peter Baumann and Monika Betzler, 295–315. Cambridge: Cambridge University Press, 2004.

- Espesor, Jovanie Camacho. 'Perpetual Exclusion and Second-Order Minorities in Theaters of Civil War.' In *The Palgrave Handbook of Ethnicity*, edited by Steven Ratuva, 967–92. Singapore: Palgrave MacMillan, 2019. doi.org/10.1007/978-981-13-2898-5_145.
- Evanty, Nukila, and Annie Pohlman. 'After 1965: Legal Matters for Justice?' In *The Indonesian Genocide of 1965: Causes, Dynamics and Legacies*, edited by Katharine McGregor, Jess Melvin, and Annie Pohlman, 311–34. Cham: Palgrave Macmillan, 2018. doi.org/10.1007/978-3-319-71455-4.
- Eyerman, Ron. 'The Past in The Present: Culture and the Transmission of Memory.' *Acta Sociologica* 47 (2004): 159–69. doi.org/10.1177/0001699304043853.
- Filiu, Jean-Pierre. *From Deep State to Islamic State: The Arab Counter-Revolution and its Jihadi Legacy*. Oxford: Oxford University Press, 2015.
- Firawati, Titik. 'Reconciliation through Cooperation: The Case of Aceh.' In *The Promise of Reconciliation? Examining Violent and Nonviolent Effects on Asian Conflicts*, edited by Chaiwat Satha-Anand, 23–41. New York: Routledge, 2016. doi.org/10.4324/9781315134291.
- Freeman, Mark. *Truth Commissions and Procedural Fairness*. Cambridge: Cambridge University Press, 2006.
- Gidley, Rebecca. *Illiberal Transitional Justice and the Extraordinary Chambers in the Courts of Cambodia*. Cham: Palgrave Macmillan, 2019. doi.org/10.1007/978-3-030-04783-2.
- González Quintana, Antonio. *Archives of the Security Services of Former Repressive Regimes*. Report prepared for UNESCO on behalf of the International Council on Archives, 1997. unesdoc.unesco.org/images/0014/001400/140074e.pdf.
- Gray, David. 'An Excuse-Centred Approach to Transitional Justice.' *Fordham Law Review* 74, no. 5 (2006): 2621–694.
- Grayman, Jesse. *Community Perceptions of the Peace Process: Eleven Case Studies for the Multi-Stakeholder Review of Post-conflict Programming in Aceh (MSR)*. Jakarta: World Bank and Australian Agency for International Development, 2009.
- Gready, Paul, and Simon Robins. 'From Transitional to Transformative Justice: A New Agenda for Practice.' *The International Journal of Transitional Justice* 8, no. 3 (2014): 339–61. doi.org/10.1093/ijtj/iju013.
- . 'Rethinking Civil Society and Transitional Justice: Lessons from Social Movements and "New" Civil Society.' *The International Journal of Human Rights* 21, no. 7 (2017): 956–75. doi.org/10.1080/13642987.2017.1313237.

- de Greiff, Pablo. 'Apologies in National Reconciliation Processes: On Making Trustworthy Institutions Trusted.' In *The Age of Apology: Facing Up to the Past*, edited by Mark Gibney, Rhoda E. Howard-Hassmann, Jean-Marc Coicaud, and Niklaus Steiner, 120–36. Philadelphia: University of Pennsylvania Press, 2008. doi.org/10.1093/ijtj/ijn024.
- , ed. *The Handbook of Reparations*. Oxford: Oxford University Press, 2006. doi.org/10.1093/0199291926.001.0001.
- Guelke, Adrian. 'Truth for Amnesty? The Truth and Reconciliation Commission and Human Rights Abuses in South Africa.' *Irish Studies in International Affairs* 10 (1999): 21–30.
- Guthrey, Holly L. *Victim Healing and Truth Commissions: Transforming Pain through Voice in Solomon Islands and Timor-Leste*. Cham: Springer, 2015.
- Hadiprayitno, Irene Istiningsih. 'Defensive Enforcement: Human Rights in Indonesia.' *Human Rights Review* 11 (2010): 373–99. doi.org/10.1007/s12142-009-0143-1.
- Hadiz, Vedi R., and Richard Robison. 'The Political Economy of Oligarchy and the Reorganization of Power in Indonesia.' *Indonesia* 96 (2013): 35–57. doi.org/10.5728/indonesia.96.0033.
- Hamber, Brandon. 'Does the Truth Heal? A Psychological Perspective on Political Strategies for Dealing with the Legacy of Political Violence.' In *Burying the Past: Making Peace and Doing Justice after Civil Conflict*, edited by Nigel Biggar, 155–74. Washington, DC: Georgetown University Press, 2003.
- . 'Narrowing the Micro and Macro: A Psychological Perspective on Reparations in Societies in Transition.' In *The Handbook of Reparations*, edited by Pablo de Greiff, 560–88. Oxford: Oxford University Press, 2006. doi.org/10.1093/0199291926.001.0001.
- . *Transforming Societies after Political Violence: Truth, Reconciliation, and Mental Health*. New York: Springer, 2009.
- Hamber, Brandon, and Richard A. Wilson. 'Symbolic Closure through Memory, Reparation and Revenge in Post-conflict Societies.' *Journal of Human Rights* 1, no. 1 (2002): 35–53. doi.org/10.1080/14754830110111553.
- Hardjono, J. 'The Indonesian Transmigration Program in Historical Perspective.' *International Migration* 26, no. 4 (1988). doi.org/10.1111/j.1468-2435.1988.tb00662.x.
- Hayner, Priscilla B. 'Fifteen Truth Commissions – 1974 to 1994: A Comparative Study.' *Human Rights Quarterly* 16, no. 4 (1994): 597–655. doi.org/10.2307/762562.

- . ‘Responding to a Painful Past: The Role of Civil Society and the International Community.’ *KOFF Series Working Paper Dealing with the Past: Critical Issues, Lessons Learned, and Challenges for Future Swiss Policy*, edited by Mô Bleeker and Jonathan Sisson, 45–49. Bern: Swiss Peace, 2005.
- . ‘Truth Commissions.’ In *Encyclopedia of Genocide and Crimes against Humanity*, Vol. 3, edited by Dinah L. Shelton, 1047–051. Detroit: Macmillan, 2005.
- . *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd edition. New York: Routledge, 2010. doi.org/10.4324/9780203867822.
- Herbert, Jeff. ‘The Legal Framework of Human Rights in Indonesia.’ In *Indonesia: Law and Society*, 2nd edition, edited by Timothy Lindsey, 454–67. Sydney: The Federation Press, 2008.
- Horne, Cythi M. ‘Reconstructing “Traditional Justice” from the outside in: Transitional Justice in Aceh and East Timor.’ *Journal of Peacebuilding and Development* 9, no. 2 (2014): 17–32. doi.org/10.1080/15423166.2014.937654.
- Human Rights Watch. ‘Aceh under Martial law: Inside the Secret War.’ *Human Rights Watch* 15, no. 10 (c) (December 2003), 13–41. hrw.org/reports/2003/indonesia1203/indonesia1203.pdf.
- . ‘Indonesia: The War in Aceh.’ *Human Rights Watch* 13, no. 4 (c) (August 2001). hrw.org/reports/2001/aceh/indacheh0801.pdf.
- Hutchcroft, Paul David. *Booty Capitalism: The Politics of Banking in the Philippines*. Ithaca: Cornell University Press, 1998. doi.org/10.7591/9781501738630.
- Ingram, Sue. ‘Political Settlements: The History of an Idea in Policy and Theory.’ SSGM Discussion Paper 5, ANU College of Asia and the Pacific, 2014, 1–17. openresearch-repository.anu.edu.au/bitstream/1885/12211/1/Ingram%20Political%20settlements%202014.pdf.
- International Centre for Transitional Justice (ICTJ). *A Matter of Complicity? Exxon Mobil on Trial for Its Role in Human Rights Violations in Aceh*. New York: International Center for Transitional Justice, 2008. ictj.org/publication/matter-complicity-exxon-mobil-trial-its-role-human-rights-violations-aceh.
- . *Unfulfilled Expectations: Victims’ Perceptions of Justice and Reparations in Timor-Leste*. Brussels: International Center for Transitional Justice, February 2010. ictj.org/sites/default/files/ICTJ-TimorLeste-Unfulfilled-Expectations-2010-English.pdf.

- International Center for Transitional Justice (ICTJ), and the Commission for the Disappeared and Victims of Violence (KontraS). *Derailed: Transitional Justice in Indonesia since the Fall of Soeharto*. Joint Report by ICTJ and KontraS. Jakarta: ICTJ and KontraS, 2011. ictj.org/sites/default/files/ICTJ-Kontras-Indonesia-Derailed-Report-2011-English_0.pdf.
- International Displacement Centre. *Indonesia: Support Needed for Return and Re-integration of Displaced Acehnese following Peace Agreement: A Profile of the Internal Displacement Situation*. Geneva: International Displacement Monitoring Centre, 2006. refworld.org/pdfid/44bf3e874.pdf.
- Iswanto, Sufandi, Zulfan, and Nina Suryana. 'Gayo Highland and Takengon from 1904 to 1942: A Historical Analysis of Coffee Plantations at the Era of Dutch Colonialism.' *Paramita: Historical Studies Journal* 30, no. 1 (2020): 69–82. doi.org/10.15294/paramita.v30i1.21637.
- Jeffery, Renée. *Amnesties, Accountability, and Human Rights*. Philadelphia: University of Pennsylvania Press, 2014. doi.org/10.9783/9780812209419.
- . 'Amnesty and Accountability: The Price of Peace in Aceh, Indonesia.' *International Journal of Transitional Justice* 6, no. 1 (2012): 60–82. doi.org/10.1093/ijtj/ijr027.
- . *Negotiating Peace: Amnesties, Justice and Human Rights*. Cambridge: Cambridge University Press, 2021. doi.org/10.1017/9781108937184.
- . 'Trading Amnesty for Impunity in Timor-Leste.' *Conflict, Security and Development* 16, no. 1 (2016): 33–51. doi.org/10.1080/14678802.2016.1136139.
- Jeffery, Renée, and Hun Joon Kim, eds. *Transitional Justice in the Asia-Pacific*. Cambridge: Cambridge University Press, 2013. doi.org/10.1017/CBO9781139628914.
- Jeffery, Renée, Lia Kent, and Joanne Wallis. 'Reconceiving the Roles of Religious Civil Society Organizations in Transitional Justice: Evidence from the Solomon Islands, Timor-Leste and Bougainville.' *The International Journal of Transitional Justice* 11, no. 3 (2017): 378–99. doi.org/10.1093/ijtj/ijx020.
- Jemadu, Aleksius. 'Democratisation, the Indonesian Armed Forces and the Resolving of the Aceh Conflict.' In *Verandah of Violence: The Background to the Aceh Problem*, edited by Anthony Reid, 272–91. Singapore: Singapore University Press, 2006. doi.org/10.1017/s0021911808000557.
- Jessee, Erin. 'Rwandan Women No More: Female Genocidaires in the Aftermath of the 1994 Rwandan Genocide.' *Conflict and Society* 1 (2015): 60–81. doi.org/10.3167/arcs.2015.010106.

- Johansen, Robert C. 'Peace and Justice? The Contribution of International Judicial Processes to Peacebuilding.' In *Strategies of Peace: Transforming Conflict in a Violent World*, edited by Daniel Philpott and Gerard F. Powers, 189–231. Oxford: Oxford University Press, 2010. doi.org/10.1093/acprof:oso/9780195395914.003.0008.
- di John, Jonathan, and James Putzel. 'Political Settlements: Issues Paper.' Birmingham: Governance and Social Development Resource Centre, Department for International Development, 2009. gsdr.org/wp-content/uploads/2015/06/EIRS7.pdf.
- Juwana, Hikmahanto. 'Special Report: Assessing Indonesia's Human Rights Practice in the Post-Soeharto Era: 1998–2003.' *Singapore Journal of International and Comparative Law* 7, no. 2 (2003): 644–77. asianlii.org/sg/journals/SJJIIntCompLaw/2003/24.pdf.
- Kamaruzzaman, Suraiya. 'Violence, Internal Displacement and Its Impacts on the Women of Aceh.' In *Violent Conflicts in Indonesia: Analysis, Representation, Resolution*, edited by Charles A. Coppel, 258–68. New York: Routledge, 2005. doi.org/10.4324/9780203099292.
- Kany, Charles. *American Spanish Euphemisms*. Berkeley: University of California Press, 1960.
- Kell, Tim. *The Roots of Acehnese Rebellion, 1989–1992*. New York: Cornell University, Modern Indonesia Project, 1995.
- Kent, Lia. *The Dynamics of Transitional Justice: International Models and Local Realities in East Timor*. London: Routledge, 2012.
- . 'Narratives of Suffering and Endurance: Coercive Sexual Relationships, Truth Commissions and Possibilities for Gender Justice in Timor-Leste.' *The International Journal of Transitional Justice* 8, no. 2 (2014): 289–313. doi.org/10.1093/ijtj/iju008.
- . 'Transitional Justice and the Spaces of Memory Activism in Timor-Leste and Aceh.' *Global Change, Peace and Security* 31, no. 2 (2019): 181–99. doi.org/10.1080/14781158.2019.1588870.
- Kent, Lia, Joanne Wallis, and Claire Cronin, eds. *Civil Society and Transitional Justice in Asia and the Pacific*. Acton, ACT: ANU Press, 2019.
- Kent, Lia, and Rizki Affiat. 'Gambling with Truth: Hopes and Challenges for Aceh's Commission for Truth and Reconciliation.' In *Flowers in the Wall: Truth and Reconciliation in Timor-Leste, Indonesia, and Melanesia*, edited by David Webster, 142–54. Calgary: University of Calgary Press, 2017. regnet.anu.edu.au/sites/default/files/publications/attachments/2019-01/Lia%20Kent%20Gambling%20with%20truth.pdf.

- Kimura, Ehito. 'The Struggle for Justice and Reconciliation in Post-Suharto Indonesia.' *Southeast Asian Studies* 4, no. 1 (2015): 73–93. doi.org/10.20495/seas.4.1_73.
- Kingsbury, Damien, and Lesley McCulloch. 'Military Business in Aceh.' In *Verandah of Violence: The Background to the Aceh Problem*, edited by Anthony Reid, 199–224. Singapore: Singapore University Press, 2006. doi.org/10.1017/s0021911808000557.
- Klem, Bart. 'The Problem of Peace and the Meaning of Post-war.' *Conflict, Security and Development* 18, no. 3 (2018): 233–55. doi.org/10.1080/14678802.2018.1468532.
- Koalisi Pengungkapan Kebenaran dan Keadilan (KKPK). *Menemukan Kembali Indonesia: Memahami Empat Puluh Tahun Kekerasan demi Memutus Rantai Impunitas*, 2 volumes. Jakarta: KKPK, 2014.
- Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh). *Laporan Akuntabilitas Kerja Komisi Kebenaran dan Rekonsiliasi (KKR) Aceh Tahun 2020*. Banda Aceh: KKR Aceh, 2020.
- Komisi Nasional Hak Asasi Manusia (Komnas HAM). *Laporan Tim Ad Hoc Aceh Tahun 2004*. Jakarta: Komnas HAM, 15 February 2004.
- Komisi untuk Orang Hilang dan Korban Kekerasan [Commission for the Disappeared and Victims of Violence] (KontraS) Aceh. *Damai Dengan Keadilan? Mungunkap Kekerasan Masa Lalu*. Banda Aceh: KontraS, February 2006. kontras.org/wp-content/uploads/2019/07/aceh-damai-dengan-keadilan.pdf.
- Komisi untuk Orang Hilang dan Korban Kekerasan [Commission for the Disappeared and Victims of Violence] (KontraS) Aceh, and The Aceh Institute. *Draf Buku Anatomi Konflik Gayo*. Banda Aceh: KontraS Aceh–The Aceh Institute, 2011.
- Komisioner Komisi Kebenaran dan Rekonsiliasi (Komisioner KKR). 'Pernyataan Sikap Dalam Rapat Dengar Kesaksian Tahun 2018.' Banda Aceh: KKR Aceh, 29 November 2018. drive.google.com/file/d/1QJEgUCRhm9OX5XiIOEX0VJvUb-wlLfwM/view.
- Kreike, Emmanuel. 'Genocide in the Kampongs? Dutch Nineteenth Century Colonial Warfare in Aceh, Sumatra.' *Journal of Genocide Research* 14, 3–4 (2012): 297–315. doi.org/10.1080/14623528.2012.719367.
- van der Kroef, Justus M. "'PETRUS': Patterns of Prophylactic Murder in Indonesia.' *Asian Survey* XXV, no. 7 (1985): 745–46. doi.org/10.2307/2644242.

- Krueger, Anne K. 'The Global Diffusion of Truth Commissions: An Integrative Approach to Diffusion as a Process of Collective Learning.' *Theory and Society* 45, no. 2 (2016): 143–68. doi.org/10.1007/s11186-016-9267-x.
- Kurniawan, Yandry. *The Politics of Securitization in Democratic Indonesia*. Cham: Palgrave Macmillan, 2018. doi.org/10.1007/978-3-319-62482-2.
- Ladisch, Virginie, and Christalla Yakinthou. 'Cultivated Collaboration in Transitional Justice Practice and Research: Reflections on Tunisia's Voices of Memory Project.' *International Journal of Transitional Justice* 14, no. 1 (2020): 80–101. doi.org/10.1093/ijtj/ijz037.
- Lamchek, Jayson S. *Human Rights-Compliant Counterterrorism: Myth-making and Reality in the Philippines and Indonesia*. Cambridge: Cambridge University Press, 2018. doi.org/10.1017/9781108588836.
- Lee, Doreen. *Activist Archives: Youth Culture and the Political Past in Indonesia*. Durham: Duke University Press, 2016.
- Lee, Terence. 'Political Orders and Peace-Building: Ending the Aceh Conflict.' *Conflict, Security and Development* 20, no. 1 (2020): 115–39. doi.org/10.1080/14678802.2019.1705071.
- Lenta, Patrick. 'Transitional Justice and Retributive Justice.' *Ethical Theory and Moral Practice* 22, no. 2 (2019): 384–98. doi.org/10.1007/s10677-019-09991-9.
- Lentin, Ronit. 'Memories for the Future.' *International Sociology* 24, no. 2 (2009): 173–84. doi.org/10.1177/0268580908101064.
- Linton, Suzannah. 'Accounting for Atrocities in Indonesia.' *Singapore Year Book of International Law* 10 (2006): 199–231.
- . 'International Humanitarian Law in Indonesia.' In *Asia-Pacific Perspectives on International Humanitarian Law*, edited by Suzannah Linton, Tim McCormack and Sandesh Sivakumaran, 506–37. Cambridge: Cambridge University Press, 2019. doi.org/10.1017/9781108667203.030.
- Loney, Hannah, and Annie Pohlman. 'The Sexual and Visual Dynamics of Torture: Analysing Atrocity Photographs from Indonesian-Occupied East Timor.' In *Gender, Violence and Power in Indonesia: Across Time and Space*, edited by Katharine McGregor, Ana Dragojlovic and Hannah Loney, 84–100. London: Routledge, 2020. doi.org/10.4324/9781003022992.
- Lowry, Robert. *The Armed Forces of Indonesia*. St Leonards: Allen and Unwin, 1996.

- Loyle, Cianne E., and Christian Davenport. 'Transitional Injustice: Subverting Justice in Transition and Postconflict Societies.' *Journal of Human Rights* 15, no. 1 (2016): 126–49. doi.org/10.1080/14754835.2015.1052897.
- MacDonald, Anna. 'Somehow This Whole Process Became So Artificial: Exploring the Transitional Justice Implementation Gap in Uganda.' *International Journal of Transitional Justice* 13, no. 2 (2019): 225–48. doi.org/10.1093/ijtj/ijz011.
- Maršavelski, Aleksandar, and John Braithwaite. 'Transitional Justice Cascades,' *Cornell International Law Journal* 53, no. 2 (2020): 207–60. doi.org/10.2139/ssrn.3380304.
- Mass, Alex. 'Perspectives on the Missing: Residential Schools for Aboriginal Children in Canada.' In *Missing Persons: Multidisciplinary Perspectives on the Disappeared*, edited by Derek Congram, 13–41. Toronto: Canadian Scholars Press, 2016.
- May, Larry. *Crimes against Humanity: A Normative Account*. New York: Cambridge University Press, 2005. doi.org/10.1017/CBO9780511607110.
- . *Genocide: A Normative Account*. New York: Cambridge University Press, 2010.
- McGibbon, Rodd. 'Local Leadership and the Aceh Conflict.' In *Verandah of Violence: The Background to the Aceh Problem*, edited by Anthony Reid, 347–49. Singapore: Singapore University Press, 2006. doi.org/10.1017/s0021911808000557.
- McRae, Dave. 'A Discourse on Separatists.' *Indonesia* 74 (2002): 37–58. doi.org/10.2307/3351524.
- Mégret, Frédéric. 'The International Criminal Court Statute and the Failure to Mention Symbolic Reparation.' *International Review of Victimology* 16, no. 2 (2009): 127–47. doi.org/10.1177/026975800901600202.
- Melvin, Jess. *The Army and the Indonesian Genocide: Mechanics of Mass Murder*. New York: Routledge, 2018. doi.org/10.4324/9781351273329.
- . 'Detention Camps and the Order to Annihilate during the 1965–1966 Indonesian Genocide.' In *Detention Camps in Asia*, edited by Christina Twomey, Sandra Wilson and Robert Cribb, 119–36. Leiden: Brill, 2022. doi.org/10.1163/9789004512573.
- . 'The Hammer and Sickle in "Mecca's Verandah"— The Indonesian Communist Party in Aceh, 1920–65.' *Indonesia* 108 (2019): 23–40. doi.org/10.1353/indo.2019.0011.

- Miller, Michelle Ann. *Rebellion and Reform in Indonesia: Jakarta's Security and Autonomy Policies in Aceh*. New York: Routledge, 2008. doi.org/10.4324/9780203888193.
- . 'What's Special about Special Autonomy in Aceh?' In *Verandah of Violence: The Background to the Aceh Problem*, edited by Anthony Reid, 292–314. Singapore: Singapore University Press, 2006. doi.org/10.1017/s0021911808000557.
- Minow, Martha. 'Do Alternative Justice Mechanisms Deserve Recognition in International Criminal Law? Truth Commissions, Amnesties, and Complementarity at the International Criminal Court.' *Harvard International Law Journal* 60, no. 1 (2019): 1–45.
- Moore, Samuel. 'The Indonesian Military's Last Years in East Timor: An Analysis of its Secret Documents.' *Indonesia* 72 (2001): 9–44. doi.org/10.2307/3351480.
- Morel, Adrian, Makiki Wratnabe, and Rob Wrobel. 'Delivering Assistance to Conflict-Affected Communities: The BRA-KDP Program in Aceh.' *Indonesia Social Development Paper* 13. Jakarta, World Bank, 2009.
- Morris, Eric Eugene. 'Islam and Politics in Aceh: A Study of Center–Periphery Relations in Indonesia.' PhD thesis, Cornell University, 1983.
- Muddell, Kelli, and Sibley Hawkins. *Gender and Transitional Justice: A Training Module Series, Module 2*. New York: International Center for Transitional Justice, 2008. ictj.org/sites/default/files/2_Gender%20%26%20TJ%20-%20Truth%20Seeking%20-%20Speaker%20Notes.pdf.
- Munawarsyah, Januddin, and Muhammad Jafar. 'Juridical Analysis of the Amount of Diyat toward Armed Conflict Victims in Aceh.' *Budapest International Research and Critics Institute Journal* 1, no. 4 (2018): 104–13. doi.org/10.33258/birci.v1i4.99.
- Murray Li, Tania. 'Centering Labor in the Land Grab Debate.' *The Journal of Peasant Studies* 38, no. 2 (2011): 281–98. doi.org/10.1080/03066150.2011.559009.
- Neumann, A Lin. *Special Report: Aceh*. New York: Committee to Protect Journalists, 16 July 2003. cpj.org/reports/2003/07/aceh-03/.
- Nickson, Ray, and John Braithwaite. 'Deeper, Broader, Longer Transitional Justice.' *European Journal of Criminology* 11, no. 4 (2014): 445–63. doi.org/10.1177/1477370813505954.
- Nowark, Manfred, and Elizabeth McArthur. *The United Nations Convention against Torture: A Commentary*. Oxford: Oxford University Press, 2008. doi.org/10.1093/law/9780199280001.001.001.

Oberleitner, Gerd. 'The Development of IHL by Human Rights Bodies.' In *International Humanitarian Law and Non-State Actors*, edited by Ezequiel Heffes, Marcos D. Kotlik and Manuel J. Ventura, 297–319. The Hague: Asser, 2019.

Office of the High Commissioner for Human Rights (OHCHR). *Guidance Note of the United Nations Secretary General: Reparations for Conflict-Related Sexual Violence*. Geneva: Office of the United Nations High Commissioner for Human Rights, 2014. digitallibrary.un.org/record/814902?ln=en.

———. *Rule-of-Law Tools for Post-conflict States: Truth Commissions*. Geneva: Office of the United Nations High Commissioner for Human Rights, 2006.

———. *Who's Responsible? Attributing Individual Responsibility for Violations of International Human Rights and Humanitarian Law in United Nations Commissions of Inquiry, Fact-Finding Missions and Other Investigations*. New York and Geneva: Office of the United Nations High Commissioner for Human Rights, 2018. doi.org/10.18356/5d8edd2d-en.

Olken, Benjamin, and Patrick Barron. 'The Simple Economics of Extortion: Evidence from Trucking in Aceh.' *Journal of Political Economy* 117, no. 3 (2009): 417–52. doi.org/10.1086/599707.

Orentlicher, Diane F. 'Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime.' *The Yale Law Journal* 100, no. 8 (1991): 2537–615. doi.org/10.2307/796903.

———. "'Settling Accounts" Revisited: Reconciling Global Norms with Local Agency.' *The International Journal of Transitional Justice* 1, no. 1 (2007): 10–22. doi.org/10.1093/ijtj/ijm010.

Palmer, Blair. 'The Price of Peace.' *Inside Indonesia* 90, Oct–Dec (2007): 1–2. insideindonesia.org/the-price-of-peace.

Pelapor Khusus Komnas Perempuan [Komnas Perempuan Special Investigator]. *Pengalaman Perempuan Aceh Mencari dan Meniti Keadilan dari Masa ke Masa* [Experiences of Acehnese Women Seeking and Accessing Justice from One Era to the Next]. Jakarta: Komnas Perempuan 2007.

Phelps, Nicholas A. Tim Bunnell, and Michelle Ann Miller. 'Post-disaster Economic Development in Aceh: Neoliberalization and Other Economic-Geographical Imaginaries.' *Geoforum* 42 (2011): 418–26. doi.org/10.1016/j.geoforum.2011.02.006.

Pohlman, Annie. 'Indonesia and the UN Genocide Convention: The Empty Promises of Human Rights Ritualism.' In *The United Nations and Genocide*, edited by Deborah Mayersen, 123–45. London: Palgrave Macmillan, 2016.

- . 'An Ongoing Legacy of Atrocity: Torture and the Indonesian State.' In *Genocide and Mass Atrocities in Asia: Legacies and Prevention*, edited by Deborah Mayersen and Annie Pohlman, 49–66. New York: Routledge, 2013. doi.org/10.4324/9780203380857.
- . 'Sexual Violence as Torture: Crimes against Humanity during the 1965–66 Killings in Indonesia.' *Journal of Genocide Research* 19, no. 4 (2017): 574–93. doi.org/10.1080/14623528.2017.1393949.
- . 'Testimonio and Telling Women's Narratives of Genocide, Torture and Political Imprisonment in Post-Suharto Indonesia.' *Life Writing* 5, no. 1 (2008): 47–60. doi.org/10.1080/14484520801902332.
- . 'Torture Camps in Indonesia, 1965–70.' In *Detention Camps in Asia: The Conditions of Confinement in Modern Asian History*, edited by Christina Twomey, Sandra Wilson and Robert Cribb, 137–55. Leiden: Brill, 2022.
- . *Women, Sexual Violence and the Indonesian Killings of 1965–1966*. London: Routledge, 2014. doi.org/10.4324/9781315818795.
- . 'A Year of Truth and the Possibilities for Reconciliation in Indonesia.' *Genocide Studies and Prevention* 10, no. 1 (2016): 60–78. doi.org/10.5038/1911-9933.10.1.1323.
- Pouliny, Béatrice. 'Civil Society and Post-conflict Peacebuilding: Ambiguities of International Programmes Aimed at Building "New" Societies.' *Security Dialogue* 36, no. 4 (2005): 495–510. doi.org/10.1177/0967010605060448.
- Power, Thomas P. 'Jokowi's Authoritarian Turn and Indonesia's Democratic Decline.' *Bulletin of Indonesian Economic Studies* 54, no. 3 (2018): 207–38. doi.org/10.1080/00074918.2018.1549918.
- Prager, Carol A. L., and Trudy Govier, eds. *Dilemmas of Reconciliation: Cases and Concepts*. Waterloo, ON: Wilfrid Laurier University Press, 2003.
- Putnam, Robert D. 'Diplomacy and Domestic Politics: The Logic of Two-Level Games.' *International Organization* 42, no. 3 (1988): 427–60. doi.org/10.1017/S0020818300027697.
- Quinn, Joanna R., and Mark Freeman. 'Lessons Learned: Practical Lessons Gleaned from Inside the Truth Commissions of Guatemala and South Africa.' *Human Rights Quarterly* 25, no. 4 (2003): 1117–49. doi.org/10.1353/hrq.2003.0050.
- Rahmany P., Dyah. *Rumoh Geudong: The Scar of the Acehnese*. Jakarta: Cordova, 2004.

- Reid, Anthony, ed. *Verandah of Violence: The Background to the Aceh Problem* (Singapore: Singapore University Press, 2006). doi.org/10.1017/s0021911808000557.
- Reno, William. *Corruption and State Politics in Sierra Leone*. New York: Cambridge University Press, 1995.
- . *Warlord Politics and African States*. Boulder, CO: Lynne Rienner Publishers, 1999.
- Rimé, Bernard, Patrick Kanyangara, Vincent Yzerbyt, and Dario Paez. 'The Impact of Gacaca Tribunals in Rwanda: Psychosocial Effects of Participation in a Truth and Reconciliation Process after a Genocide.' *European Journal of Social Psychology* 41, no. 6 (2011): 695–706. doi.org/10.1002/ejsp.822.
- Robins, Simon. 'Failing Victims? The Limits of Transitional Justice in Addressing the Needs of Victims of Violations.' *Human Rights and International Legal Discourse* 11, no. 1 (2017): 41–58. eprints.whiterose.ac.uk/122438/1/Robins_Failing_victims_The_limits_of_transitional_justice.pdf.
- Robinson, Geoffrey. 'Rawan is as Rawan Does: The Origins of Disorder in New Order Aceh.' *Indonesia* 66 (1998): 127–57. doi.org/10.2307/3351450.
- Roht-Arriaza, Naomi. 'Civil Society in Processes of Accountability.' In *Post-conflict Justice*, edited by M. Cherif Bassiouni, 97–114. Ardsley, New York: Transnational, 2002.
- . 'Reparations Decisions and Dilemmas.' *Hastings International and Comparative Law Review* 27, no. 2 (2004): 157–219. repository.uchastings.edu/hastings_international_comparative_law_review/vol27/iss2/1.
- Rosser, Andrew. 'Towards a Political Economy of Human Rights Violations in Post–New Order Indonesia.' *Journal of Contemporary Asia* 43, no. 2 (2013): 243–56. doi.org/10.1080/00472336.2012.757436.
- Rotberg, Robert I., and Dennis Thompson, eds. *Truth v. Justice: The Morality of Truth Commissions*. Princeton, NJ: Princeton University Press, 2010.
- Scarry, Elaine. *The Body in Pain: The Making and Unmaking of the World*. London: Oxford University Press, 1988.
- Schulze, Kirsten E. 'From the Battlefield to the Negotiating Table: GAM and the Indonesian Government 1999–2005.' *Asian Security* 3, no. 2 (2007): 80–98. doi.org/10.1080/14799850701338547.

- . ‘Insurgency and Counter-Insurgency: Strategy and the Aceh Conflict, October 1976–May 2004.’ In *Verandah of Violence: The Background to the Aceh Problem*, edited by Anthony Reid, 225–71. Singapore: Singapore University Press, 2006. doi.org/10.1017/s0021911808000557.
- Setiawan, Ken. ‘Between Law, Politics and Memory: The Indonesian National Commission on Human Rights (Komnas HAM) and Justice for Past Human Rights Crimes.’ *Australian Journal of Asian Law* 19, no. 1 (2018): 1–14. ssrn.com/abstract=3239774.
- . ‘From Hope to Disillusion: The Paradox of Komnas HAM, the Indonesian National Human Rights Commission.’ *Bijdragen tot de Taal-, Land- en Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 172, no. 1 (2016): 1–32. doi.org/10.1163/22134379-17201002.
- Sharp, Dustin N. ‘Emancipating Transitional Justice from the Bonds of the Paradigmatic Transition.’ *International Journal of Transitional Justice* 9, no. 1 (2015): 150–69. doi.org/10.1093/ijtj/iju021.
- . *Rethinking Transitional Justice for the Twenty-First Century*. Cambridge: Cambridge University Press, 2018. doi.org/10.1017/9781108609180.
- Shepherd, Laura J. ‘Constructing Civil Society: Gender, Power and Legitimacy in United Nations Peacebuilding Discourse.’ *European Journal of International Relations* 21, no. 4 (2015): 887–910. doi.org/10.1177/1354066115569319.
- Shohibuddin, Mohamad. ‘Making Peace or Sustaining Conflict? Securitisation of Land Distribution Programme in Post-war Aceh, Indonesia.’ Paper presented at *Ecology, Culture and Development Seminar Series on the Role of Natural Resources and Agrarian Policies in Sustaining Peace in Aceh*, Bogor, Indonesia, 31 May 2016. sajogyo-institute.org/wp-content/uploads/2016/05/Shohibuddin-2015-Making-peace-or-sustaining-conflict-Seminar-Ekbudbang.pdf.
- Siapno, Jacqueline Aquino. *Gender, Islam, Nationalism and the State in Aceh: The Paradox of Power, Co-optation and Resistance*. London: Routledge, 2002. doi.org/10.4324/9781315029078.
- Sikkink, Kathryn. *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*. New York: W.W. Norton and Co., 2011.
- Simangan, Dahlia, and Rebecca Gidley. ‘Exploring the Link between Mine Action and Transitional Justice in Cambodia.’ *Global Change, Peace and Security* 31, no. 2 (2019): 221–43. doi.org/10.1080/14781158.2019.1608939.
- Smeulers, Alette. ‘Female Perpetrators: Ordinary or Extra-ordinary Women?’ *International Criminal Law Review* 15, no. 2 (2015): 207–53. doi.org/10.1163/15718123-01502001.

- Smith, Catherine. 'A Stranger in One's Own Home: Surveillance, Space, Place, and Emotion during the GAM Conflict in Aceh.' *Indonesia* 100 (2015): 53–76. doi.org/10.5728/indonesia.100.0053.
- Snyder, Jack, and Leslie Vinjamuri. 'Principled Pragmatism and the Logic of Consequences.' *International Theory* 4, no. 3 (2012): 434–48. doi.org/10.1017/S1752971912000140.
- Stahn, Carsten. 'Between "Faith" and "Facts": By What Standard Should We Assess International Criminal Justice?' *Leiden Journal of International Law* 25, no. 2 (2012): 251–82. doi.org/10.1017/S0922156512000027.
- Stange, Gunnar, and Antje Missbach. 'The Aceh Peace Process: Wheeling and Dealing behind Closed Doors.' In *Aspirations with Limitations: Indonesia's Foreign Affairs under Susilo Bambang Yudhoyono*, edited by Ulla Fionna, Siwage Dharma Negara and Deasy Simandjuntak, 231–54. Singapore: ISEAS-Yusof Ishak Institute, 2018.
- Stoler, Ann Laura. 'On the Uses and Abuses of the Past in Indonesia: Beyond the Mass Killings of 1965.' *Asian Survey* 42, no. 4 (2002): 642–50. doi.org/10.1525/as.2002.42.4.642.
- Subotić, Jelena. *Hijacked Justice: Dealing with the Past in the Balkans*. Ithaca: Cornell University Press, 2009.
- . 'The Transformation of International Transitional Justice Advocacy.' *International Journal of Transitional Justice* 6, no. 1 (2012): 106–25. doi.org/10.1093/ijtj/ijt036.
- Suh, Jiwon. 'Preemptive Transitional Justice Policies in Aceh, Indonesia.' *Southeast Asian Studies* 4, no. 1 (2015): 95–124. doi.org/10.20495/seas.4.1_95.
- . 'The Suharto Case.' *Asian Journal of Social Science* 44, nos. 1–2 (2016): 214–45. doi.org/10.1163/15685314-04401009.
- Sukma, Rizal. 'Security Operations in Aceh: Goals, Consequences, and Lessons.' *Policy Studies* 3, East-West Center, Washington D.C., 2004. eastwestcenter.org/publications/security-operations-aceh-goals-consequences-and-lessons.
- Sulaiman, M. Isa. 'From Autonomy to Periphery: A Critical Evaluation of the Acehese Nationalist Movement.' In *Verandah of Violence: The Background to the Aceh Problem*, edited by Anthony Reid, 121–48. Singapore: Singapore University Press, 2006. doi.org/10.1017/s0021911808000557.
- Sulistiyanto, Priyambudi. 'Whither Aceh?' *Third World Quarterly* 22, no. 3 (2001): 437–52. doi.org/10.1080/01436590120061697.

- Sundhaussen, Ulf. 'The Military: Structure, Procedures, and Effects on Indonesian Society.' In *Political Power and Communications in Indonesia*, edited by Karl D. Jackson and Lucian W. Pye, 45–81. Berkeley: University of California Press, 1978. doi.org/10.1525/9780520311039.
- Syailendra, Emirza Adi. 'Inside Papua: The Police Force as Counterinsurgents in Post-*Reformasi* Indonesia.' *Indonesia* 102 (2016): 57–83. doi.org/10.1353/ind.2016.0019.
- Syamsuddin Ishak, Otto. *Komisi Kebenaran Aceh: Mewujudkan Nilai Maqasid Syariah*. Banda Aceh: Bandar Publishing, 2017.
- TAPOL. 'Suharto Authorised the Death Squads.' *Tapol Bulletin* 91 (1981): 1. vuir.vu.edu.au/26200/1/TAPOL91_compressed.pdf.
- Teitel, Rudi G. *Transitional Justice*. Oxford: Oxford University Press, 2000.
- Tippe, Syarifudin. *Aceh di Persimpangan Jalan*. Jakarta: Cidencindo Pustaka, 2000.
- Torpey, John. *Making Whole What Has Been Smashed: On Reparations Politics*. Cambridge: Harvard University Press, 2006.
- Trinch, Shonna L. 'Managing Euphemism and Transcending Taboos: Negotiating the Meaning of Sexual Assault in Latinas' Narratives of Domestic Violence.' *Text & Talk* 21, no. 4 (2001): 567–610. doi.org/10.1515/text.2001.012.
- Truth and Reconciliation Commission of Canada. *Final Report of the Truth and Reconciliation Commission of Canada*, Vol. 4. Montreal: TRC Canada, 2015.
- Tutu, Desmond. *No Future without Forgiveness*. New York: Doubleday, 1999.
- UN Secretary General. *The Rule of Law and Transitional Justice in Post-conflict Societies*, UN Doc S/2004/616. New York: United Nations, 2004.
- UN Security Council. *Report of the Secretary General on the Rule of Law and Transitional Justice in Conflict and Post-conflict Societies*. New York: UN Security Council, 2004. www.un.org/ruleoflaw/files/2004%20report.pdf.
- Verdeja, Ernesto. 'A Critical Theory of Reparative Justice.' *Constellations* 15, no. 2 (2008): 208–22. doi.org/10.1111/j.1467-8675.2008.00485.x.
- Wahyuningroem, Sri Lestari. 'Installing Justice: Civil Society and Transitional Justice in Indonesia.' In *Civil Society in the Global South*, edited by Palash Kamruzzaman, 158–75. New York: Routledge, 2018. doi.org/10.4324/9781315113579.
- . 'Seducing for Truth and Justice: Civil Society Initiatives for the 1965 Mass Violence in Indonesia.' *Journal of Current Southeast Asian Affairs* 32, no. 3 (2013): 115–42. doi.org/10.1177/186810341303200306.

- . 'Towards Post-Transitional Justice: The Failures of Transitional Justice and the Roles of Civil Society in Indonesia.' *Journal of Southeast Asian Human Rights* 3, no. 1 (2019): 124–54. doi.org/10.19184/jseahr.v3i1.11497.
- . *Transitional Justice from State to Civil Society: Democratization in Indonesia*. London: Routledge, 2019. doi.org/10.4324/9780429288609.
- . 'Working from the Margins: Initiatives for Truth and Reconciliation for Victims of the 1965 Mass Violence in Solo and Palu.' In *The Indonesian Genocide of 1965: Causes, Dynamics and Legacies*, edited by Katharine McGregor, Jess Melvin and Annie Pohlman, 335–56. Cham: Palgrave Macmillan, 2018.
- Waizenegger, Arno, and Jennifer Hyndman. 'Two Solitudes: Post-tsunami and Post-conflict Aceh.' *Disasters* 34, no. 3 (2010): 787–808. doi.org/10.1111/j.1467-7717.2010.01169.x.
- Wallis, Joanne, and Lia Kent. 'Special Issue on "Reconceiving Civil Society and Transitional Justice: Lessons from Asia and the Pacific".' *Global Change, Peace and Security* 31, no. 2 (2019): 129–38. doi.org/10.1080/14781158.2019.1599837.
- Wandita, Galuh, Indria Fernida, and Karen Campbell-Nelson. 'Mass Torture in 1965–1966: A Continuing Legacy.' In *The International People's Tribunal for 1965 and the Indonesian Genocide*, edited by Saskia Wieringa, Jess Melvin and Annie Pohlman, 96–114. London: Routledge, 2019. doi.org/10.4324/9780429427763.
- Wardak, Ali, and John Braithwaite. 'Crime and War in Afghanistan. Part II: A Jeffersonian Alternative?' *British Journal of Criminology* 53, no. 2 (2013): 197–214. doi.org/10.1093/bjc/azs066.
- Webster, David, ed. *Flowers in the Wall: Truth and Reconciliation in Timor-Leste, Indonesia, and Melanesia*. Calgary: University of Calgary Press, 2017.
- Werle, Gerhard. 'Individual Criminal Responsibility in Article 25? ICC Statute.' *Journal of International Criminal Justice* 5, no. 4 (2007): 953–75. doi.org/10.1093/jicj/mqm059.
- Wieselhaus-Brahm, Eric. 'Transitional Justice, Civil Society, and the Development of the Rule of Law in Post-conflict Societies.' *International Journal of Not-for-Profit Law* 9, no. 4 (2007): 62–72.
- . 'What Is a Truth Commission and Why Does It Matter?' *Peace and Conflict Review* 3, no. 2 (2009): 1–14. review.upeace.org/index.cfm?opcion=0&ejemplar=17&centrada=83.

- Wiratraman, Herlambang P, Sri Lestari Wahyuningroem, Dian Puji Simatupang, and Manunggal K. Wardaya. *Merumuskan Kebijakan Negara dalam Rangka Menindaklanjuti Rekomendasi KKR Aceh: Reparasi Korban dan Perubahan Kebijakan*. Policy Brief. Jakarta: KontraS and KKR Aceh, 20 January 2020. herlambangperdana.files.wordpress.com/2020/01/brief-kkr-aceh-20-jan-2020.pdf.
- . ‘Taking Policy Seriously: What Should Indonesian Government Do to Strengthen Aceh Truth and Reconciliation Commission?’ *PETITA: Jurnal Kajian Ilmu Hukum dan Syariah* 5, no. 1 (2020): 14–32. doi.org/10.22373/petita.v5i1.93.
- Woods, Kevin. ‘Ceasefire Capitalism: Military–Private Partnerships, Resource Concessions and Military State Building in the Burma–Chinese Borderlands.’ *Journal of Peasant Studies* 38 (2011): 747–70. doi.org/10.1080/03066150.2011.607699.
- World Bank. *Indonesia: The Transmigration Program in Perspective*. Washington, DC: World Bank, 1988. documents.worldbank.org/en/publication/documents-reports/documentdetail/353671468771708841/indonesia-the-transmigration-program-in-perspective.
- Young, James E. *The Texture of Memory: Holocaust Memorials and Meaning*. New Haven: Yale University Press, 1993.
- Zambrano, Sonia. ‘The Guatemalan Commission for Historical Clarification: Database Representation and Data Processing.’ In *Making the Case: Investigating Large Scale Human Rights Violations Using Information Systems and Data Analysis*, edited by Patrick Ball, Herbert F. Spirer and Louise Spirer, 287–300. Washington DC: American Association for the Advancement of Science, 2000.
- Zunino, Marcos. *Justice Framed: A Genealogy of Transitional Justice*. Cambridge: Cambridge University Press, 2019. doi.org/10.1017/9781108693127.
- Zurbuchen, Mary S. *Beginning to Remember: The Past in the Indonesian Present*. Seattle: University of Washington Press, 2005.



PANCASILA



KETUHANAN YANG MAHA ESA

KEMANUSIAAN YANG ADIL DAN BERADAB

PERSATUAN INDONESIA

KERAKYATAN YANG DIPIMPIN OLEH HIKMAT KEBIJAK-
SANAAN DALAM PERMUSYAWARATAN / PERWAKILAN

KEADILAN SOSIAL BAGI SELURUH RAKYAT INDONESIA



THE UNIVERSITY OF
SYDNEY

Resisting Indonesia's Culture of Impunity examines the role of Indonesia's first truth and reconciliation commission—the Aceh Truth and Reconciliation Commission, or KKR Aceh—in investigating and redressing the extensive human rights violations committed during three decades of brutal separatist conflict (1976–2005) in the province of Aceh.

The KKR Aceh was founded in late 2016, as a product of the 2005 peace deal between the Indonesian government and the Free Aceh Movement (GAM). It has since faced many challenges—not least from Indonesia's security forces and former GAM leaders, who have joined together in their determination to maintain impunity for their respective roles in the conflict. Indeed, the commission would not have been established without the tireless work of civil society actors, including non-government organisations and other humanitarian groups.

In *Resisting Indonesia's Culture of Impunity*, the editors set out to amplify the role of these civil society actors in the KKR Aceh and in transitional justice in Indonesia. Each chapter has been written by a team of authors, composed predominantly of commissioners and staff from the KKR Aceh itself, members of key civil society organisations, and academics. Further, the editors aim to scrutinise the KKR Aceh from the inside and analyse the establishment and operation of what is perhaps the only genuine state-sponsored attempt to implement transitional justice in Indonesia today.

Jess Melvin is a Discovery Early Career Research Award fellow in the School of Humanities (History) at the University of Sydney. She is author of *The Army and the Indonesian Genocide: Mechanics of Mass Murder* (2018). She was previously a postdoctoral fellow in genocide studies and a Henry Hart Rice Faculty Fellow in Southeast Asian studies at Yale University. Her research interests include human rights in Southeast Asia, political violence in the postcolonial world and Acehnese history.

Sri Lestari Wahyuningroem is a senior lecturer at Universitas Pembangunan Nasional Veteran Jakarta, Indonesia. She holds a PhD from The Australian National University and began research on Aceh in 1998, examining military violence against women. Since then, she has undertaken research in Aceh for the United Nations Population Fund, the United Nations Fund for Women, the International Center for Transitional Justice, and Asia Justice and Rights. She is the author of *Transitional Justice from State to Civil Society: Democratization in Indonesia* (2020).

Annie Pohlman teaches Indonesian studies at the University of Queensland, in Brisbane. She is the author of *Women, Sexual Violence and the Indonesian Killings of 1965–66* (2015) and co-editor of a range of volumes on mass atrocities, Southeast Asian history, and trauma and memory. Her research interests include Indonesian history, Southeast Asian politics, comparative genocide studies, torture, oral testimony and gendered experiences of violence.



Australian
National
University

ANU PRESS

press.anu.edu.au

ISBN 978-1-76046-583-4



9 781760 465834